A History of the Jewish Community in Istanbul
The Formative Years, 1453-1566

The Ottoman Empire and its Heritage

Politics, Society and Economy

Edited by

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A History of the Jewish Community in Istanbul
The Formative Years, 1453-1566

By

Minna Rozen

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In memory of my beloved father
Barukh Lender
a man of letters, of numbers, of chess

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FOREWORD

Istanbul has one of the few Jewish communities in the Diaspora that can claim an uninterrupted existence from Byzantine times to the present, and that maintained its communal character for such a long period. In the cemeteries of Istanbul, Jews can find the tombstones of their ancestors from 400 years ago. Most of Istanbul's Jews are more natively Istanbuli than are the majority of the city's non-Jewish residents, who tend to be immigrants and children of immigrants from Anatolia.

Enormous changes occurred through the ages as the capital of Byzantium evolved into the largest city in modern Turkey. The Greek city of Constantinople became a multinational and multicultural metropolis, and then the Turkish megalopolis of Istanbul. The Greek-speaking Jewish community became a Spanish community. Empires were born and died. Tombstones were erected, then torn down and used to build palaces; the palaces were destroyed, and the stones were used as tombstones; then the tombstones were reused once again to build shantytowns.

My research into the Jewish community of Istanbul started with a documentation project of Jewish cemeteries conducted under the auspices of what was then (1987) the Annenberg Research Institute in Philadelphia. During my fieldwork in the cemeteries and the archives, the earliest evidence that surfaced in abundance was from the end of the sixteenth century. The overwhelming sense of continuity that linked the stones and manuscripts to the living people with whom I was talking sometimes left me awestruck. Some examples are still vivid in my memory:

The cellars of the chief rabbinate, the *hahambaşılık* of Istanbul, were among my main hunting grounds for old books and community registers. One day, as I emerged from the cellars covered with the black dust so typical of Istanbuli houses before the installation of the gas system, I found myself facing a tall, slim man who was presented to me as *Le président de la communauté*, M. Jacques Veisid. I felt like saying to him, "I know everything about your family's history. I wonder if you know as much as I do."

As he was saying some obligatory words of greeting, I saw in my mind his family's burial plot at the Hasköy cemetery dating from the early seventeenth century, as well as the nearby plot of the Roman fam-

ily. Time and again through the centuries, the Veisid and Roman families provided the community's *memunim* (secular leaders). And when they settled in the Holy Land in the 1620s, there, too, they became leaders of the Jerusalem community. I asked M. Veisid whether he knew of his family's ancient burial plot, but he only shrugged his shoulders. So I wondered: if this man does not know his family's history, is there a kind of secret genetic code that makes such people become the leaders of their communities?

On another occasion, in another year, another season, another place, I experienced a similar sensation of discovering something whose roots were very far away in time. It was late summer eight years later, when I was on vacation in Büyük Ada. At the home of Lidia (née de Kalo) and Moïse Kastoryano, I was chatting with the family over the remains of what half an hour ago had been a beautifully set breakfast table, when the Kastoryano's eight- and twelve-year-old granddaughters entered through the kitchen door and jumped on their grandmother. Mme. Kastoryano hugged the little one and cried *kukla mu* ("my doll" in Greek). It was like a distant, unexpected echo.

My first reaction was simplistic and somewhat romantic: the Greek expression of love had survived in that family through the 550 years since the Kastoryanos[1] and the de Kalos[2] had been exiled from Greece to Istanbul. Of course, said the doubtful historian in me, there were many other ways that expression could have arrived at Lidia Kastoryano's lips. Nevertheless, the sensation was there. In beautiful and peaceful Büyük Ada, where the sole remainders of the former Greek existence are the restored Greek houses like the one in which we were sitting and the antiques in the island's shops, this grandmother, who really did not have a mother tongue, who shifted from French to Turkish to Judeo-Spanish to English, sometimes in the same sentence, had used the Greek expression as naturally as it had been used by her grandmother and her great-grandmother.

Such moments drove me to begin my research not at the point at which I had originally intended, where the flow of evidence started, but at the roots. My curiosity about what has changed in the ensuing four centuries and what has remained was the motivation behind this book. For the scholar and the student, the book is an introduction to the seventeenth century. For my friends in Istanbul, who live with the similarities

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[1] Kastoryano: from Kastoria, a town in northern Greece whose Romaniot Jews were exiled to Istanbul after the Ottoman conquest.

[2] De Kalo: "from the good ones," a mixture of Spanish and Greek.

and differences, it is a glimpse into the threads between past and present which are being unstitched slowly and steadily as time passes.

* * *

I would like to express my deep gratitude to colleagues and friends who dedicated their time and energy to reading the manuscript of this book at various stages of its creation. Their comments were invaluable in helping me avoid pitfalls and making the book better in many ways.

I was fortunate to have the manuscript read by the editors of this series, Prof. Surayia Faroqhi of Munich University and Prof. Halil Inalcik of Bilkent University, as well as by Prof. Bernard Lewis of Princeton University. Prof. Mordekhai Pachter of Haifa University read the chapter on elite culture, and Dr. Ruth Lamdan of Tel Aviv University read the chapter on family life. Whatever mistakes remain were my own doing and my sole responsibility.

Lew Golan of Tel Aviv edited the book and prepared the camera-ready copy, and Ms. Sirette Daniel of the Diaspora Research Institute at Tel Aviv University did most of the typing. I am indebted to them, too.

The research for this book was done during the years I worked at Tel Aviv University. It was assisted by the financial support of the Israel Science Foundation, the Jewish community of Istanbul, the Lewis Foundation at Tel Aviv University, and what was then the Annenberg Institute in Philadelphia (now the Center for Judaic Studies at the University of Pennsylvania).

The editing and camera-ready preparation were financed by the Research Authority of Haifa University, with which I am affiliated at the present time.

My thanks to all of them.

Afula, Israel
May 2002

A NOTE ON TRANSLITERATION AND THE USE OF VARIOUS LANGUAGES

This book contains words in a variety of languages besides English—mainly Hebrew, Turkish and Ladino (Judeo-Spanish). The transliteration from Hebrew was made according to the rules of the Encyclopedia Judaica.

An apostrophe ['] separates two vowels, and an inverted apostrophe [‘] designates the Hebrew letter *‘ayin*. The *dagesh ḥazaq* (which designates a double letter) is not shown, so the reader will find *Shabat* and not *Shabbat*, for example. The silent *he* appears as an [h]; thus, Yehudah, not Yehuda. Hebrew names are sometimes transliterated in different ways. For example, the common spelling of Eliyahu is used throughout—except when we quote directly from a document that uses another spelling, such as Eliya or Eliyah.

Jewish names of Romaniot origin are transliterated as if they had been written in Hebrew, unless there is a commonly used form. This is why the reader will find Kastoryano and Kira, and, on the other hand, Istamati and Strongilah.

Jewish names of Iberian origin are transliterated as if they had been written in Hebrew, since they were actually written in Hebrew letters. However, when a Spanish name retained its original characteristics and had no Hebrew, Italian, Arabic or Turkish variations, we give the original Spanish name; thus the reader will find Reina, Esperanza and Cabalier, and on the other hand, Ibn Bulat, Taitaẓaq, etc. The same rule is used for names of Italian origin.

Words and expressions in Judeo-Spanish are not transliterated phonetically, as is often done for nineteenth-century Judeo-Spanish; instead, we used the modern Spanish orthography—under the assumption that fifty years after the expulsion, Judeo-Spanish was still more Castilian than anything else.

Turkish words and expressions are given in modern Turkish even when they were derived from the Arabic, except for a few special cases involving classic Islam in which we use the Arabic word. Where the language is not self-evident, as it usually is with Hebrew and Turkish, the linguistic source is added in brackets.

Names of places that were under Ottoman rule at the time are given in Turkish; in parentheses (at least in the first instance), they are given in the language of the country to which they currently belong. When the

name has more than two variations, all are given the first time the place is mentioned; subsequently, only the Turkish version is given.

Congregations in Istanbul named after cities in the Ottoman Empire are given in Hebrew transliteration, while those named after places in Christian Europe are given in their original languages.

Titles of books in Hebrew appear in English translation followed by "in Hebrew" in parentheses. Contemporary sources with flowery Hebrew names that have no bearing on their content were transliterated; they appear in Latin letters without the indication "in Hebrew."

CHAPTER ONE

THE OTTOMAN CONQUEST OF CONSTANTINOPLE AND THE END OF THE BYZANTINE COMMUNITY

On the afternoon of May 29, 1453, Sultan Mehmed II entered Constantinople, capital of what had once been the greatest empire in Western civilization. From then on he was called "The Conqueror" (*Fatih* in Turkish), and the city he conquered became known as Istanbul.

The fall of Constantinople was the result of preparations which had begun after Mehmed's accession to the throne in 1451, and followed a fifty-four-day siege and two days of ferocious fighting.[1] This course of action was decided upon only after protracted deliberations and disagreements among the sultan's advisers, which continued during the siege itself. The young sultan's teacher and grand vizier, Çandarlı Halil Paşa, was acutely aware of the waste of human and material resources that had been caused by previous efforts to conquer the city, and foresaw the same flaws in another direct assault. Leaving the city to continue under Byzantine rule, on the other hand, would not endanger Ottoman dominance, and such an arrangement would be very convenient to the Ottomans from an economic point of view.

Furthermore, Çandarlı Halil Paşa dreaded the possibility of a Christian coalition against the Ottomans that might be provoked by a direct assault. He apparently believed that the city would eventually fall into

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[1] Kristovoulos the Islander, *History of Mehmed the Conqueror*, trans. C T Riggs (Princeton NJ. Princeton University Press, 1954), 15–85; J R. Melville-Jones, trans., *The Siege of Constantinople 1453 Seven Contemporary Accounts* (Amsterdam Adolf Hakkert, 1972); Nicolo Barbaro, *Diary of the Siege of Constantinople*, trans. J.R Melville-Jones (New York: Exposition Press, 1969), Tursun Beg, *The History of Mehmed the Conqueror*, trans. H. Inalcik and R. Murphey (Minneapolis and Chicago: Bibliotheca Islamica, 1978), 33–37; C. Amantos, "La Prise de Constantinople," *1453–1953 Le cinq-centième anniversaire de la Prise de Constantinople* (Athens, 1953 [a special issue of *L'hellenism contemporain*]), 9–22; N Moschopoulos, "La prise de Constantinople selon les sources turques," ibid , 23–40; S. Runciman, B. Lewis, R.R. Betts, N. Rubinstein and P Wittek, *The Fall of Constantinople A Symposium Held at the School of Oriental and African Studies 29 5 1953* (London: SOAS, 1955); S. Runciman, *The Fall of Constantinople 1453* (Cambridge: Cambridge University Press, 1965; repr., 1991); H. Inalcik, *The Ottoman Empire, The Classical Age 1300–1600* (London: Weidenfeld and Nicolson, 1973; repr , 1975), 23–26; B. Lewis, *Istanbul and the Civilization of the Ottoman Empire* (Norman and London: University of Oklahoma Press, 1963), 25-27.

the hands of the Ottomans by itself, since it had no military, economic or territorial hinterland. By avoiding an attack, the Ottomans could achieve an orderly transfer of the city and its fabulous treasures into the sultan's hands, while a direct assault meant leaving the city at the mercy of the attacking army.

The opposition to Çandarlı Halil Paşa was led by Zaganos Paşa, who was primarily a soldier. It is no wonder that the young, energetic sultan, who wanted to prove his bravery and skills as a soldier, chose to attack instead of waiting.[2] This choice produced two outcomes: it ended the political career and the life of Çandarlı Halil Paşa, who was suspected of having taken bribes from the Greeks; and it started three days of pillage, looting, rape and murder that the sultan had promised his army. The fate of the conquered city was decided according to Islamic law: the inhabitants of a city which surrendered without a fight were to have their lives spared and their security ensured, while the inhabitants of a city which opposed the Muslim army forfeited these rights. When the last Byzantine emperor, Constantine Palaeologus, rejected the surrender terms offered by Mehmed II, the die was cast.

The Constantinople that fell in the hands of the Ottomans was not the great metropolis once glorified by all who saw it. The city had deteriorated continuously since the Fourth Crusade (1204), and when the emperors returned to Constantinople after half a century of exile in Nicaea (1261) it had already ceased to be the capital of a world superpower. Other mighty princes challenged the supremacy of Byzantium from every direction. Anatolia, once the empire's granary and the army's main source of recruits, was conquered by the Selcuks. Other Greek princes ruled in Trebizond and Epirus, while Slav princes ruled in the Balkans. Frankish lordships and Italian colonies spread all over the Greek mainland and the islands. The Genoese, who had been called in by the Byzantines in order to oust the Venetians, had siphoned most of Constantinople's international trade to their colony in Galata-Pera.

At the end of the fourteenth century, Constantinople was a dying city. While its infrastructure was capable of accommodating the approximately one million inhabitants who had lived there in the twelfth

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2 Giacomo Tedaldi, "Account," in J.R. Melville-Jones, *The Siege of Constantinople 1453*, 5–6; Leonard of Chios, "The History of the Loss and Captivity of the City of Constantinople Written to His Holiness Pope Nicholas," ibid., 31–33; Michael Ducas, "Byzantine History," ibid., 63, 72–73; Kristovoulos, *History of Mehmed the Conqueror*, 23–33, and especially p. 33. "Voting for War by the Sultan and by All"; Runciman, *The Fall of Constantinople*, 73–74.

century, no more than one hundred thousand people lived in the city at the end of the fourteenth century—and their numbers dwindled every day. Most of the suburbs were no longer in Byzantine hands. The villages across the Bosphorus were already controlled by the Ottomans; Pera, across the Golden Horn, had come under the Genoese; and the suburbs on the Thracian shores of the Bosphorus and the Marmara were nearly deserted, apart from a few hamlets around the churches. The city itself was in ruin and, vast empty areas had been overrun by weeds and wild grass.[3]

Thus, the city whose walls had been breached by the Ottomans was more a symbol of bygone glory than the glittering capital of the world it had been up to the thirteenth century. Nevertheless, it was still the symbol of the Christian world, and its conquest meant much more in their own eyes and the eyes of their adversaries than did any other triumph the Ottomans had yet achieved.[4] The vanquished city was left to the mercy of the army, which showed none; the Ottoman soldiers killed almost every human being they came across.

The historians of the siege describe the fate of the losers in full detail. Nicolo Barbaro wrote: "Anyone whom they found was put to the scimitar: women and men, old and young, of any condition. This butchery lasted from sunrise, when the Turks entered the city, until midday, and anyone whom they found was put to the scimitar in their rage."[5]

Kristovoulos described the same scenes: "Then a great slaughter occurred of those who happened to be there: some of them were on the streets, for they had already left the houses and were running toward the

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[3] Ibn Battuta, *Les voyages d'Ibn Battuta,* edited and translated from the Arabic by C. Defremery and B.R. Sanguinetti (Paris, 1853–1858), vol. 2, 431–32; Bertrandon de la Broquière, *Le voyage d'Outremer de Bertrandon de la Broquière, Premier écuyer tranchant et conseiller de Philippe le Bon, duc de Bourgogne,* ed Ch. Schefer (Paris, 1892), 153; Pero Tafur, *Travels,* ed. and trans. M. Letts (London, 1926), 142–46; Gonzales de Calvaijo, *Dairy,* trans. G. Le Strange (London, 1928), 88–90; A.M. Schneider, "Die Bevolkerung Konstantinopels im XV Jahrhundert," *Nachschriften der Akademie der Wissenscaft in Gottingen, Phil -Hist Klasse* (Göttingen, 1949), 233–44; Runciman, *The Fall of Constantinople,* 1–11; F. Dirimtekin, "Istanbul before the Conquest," *Lectures Delivered on the 511th Anniversary of the Conquest of Istanbul* (Istanbul, 1964), 32–37.

[4] Tedaldi, "Account," 9–10, Laonicus Chalcocondylas, "Turkish History" in J.R. Melville-Jones, *The Siege of Constantinople 1453,* 108–111; Kristovoulos, *History of Mehmed the Conqueror,* 31–62; P. Wittek, "Fath Mubin," in Runciman et. al., *The Fall of Constantinople, SOAS Symposium 1953,* 42–44; C. Kafadar, *Between Two Worlds The Construction of the Ottoman State* (Berkley, Los Angeles, London: University of California Press, 1995), 151–53

[5] Barbaro, *Diary,* 66

tumult when they fell unexpectedly on the swords of the soldiers; others were in their own homes and fell victim to the violence of the Janissaries and other soldiers, without any rhyme or reason; others were resisting, relying on their own courage; still others were fleeing to the churches and making supplication—men, women, children, everyone—for there was no quarter given."[6] As the hours passed, "The blood flowed in the city like rainwater in the gutters after a sudden storm, and the corpses of Turks and Christians were thrown into the Dardanelles, where they floated out to sea like melons along a canal."[7]

But soon the killing stopped and captives were taken to be sold later. The sailors left their ships and went ashore to join the army in looting. Nicolo Barbaro described how the soldiers and sailors were rushing through the city, seeking gold, jewels and slaves. When a group of them entered a house, they placed a flag on the building to indicate that it was their domain of plunder so that other invaders would stay out. They would ravish the young women, take those suitable for sale as prisoners, and sack the building. Barbaro estimated that two hundred thousand flags were raised over the city.[8]

Laonicus Chalcocondylas described the sultan's camp at the end of the first day: "The Turkish camp was thronged with men and women calling for one another, and children as well, overcome by the catastrophe. Great quantities of gold and silver were also brought there from the city; there were precious stones in abundance, and the place was full of costly garments of all kinds. In fact, the camp in one day was so enriched by noble captives, treasure and every sort of wealth, that many of the Janissaries did not know what to do with the opulence which surrounded them."[9]

After that first day, the sultan ended the pillaging and killing, and commanded that order be restored. He freed some members of the noble Greek families and priests who had escaped the massacre. Valuable women and boys were kept in his palace as slaves, or sent as presents to dignitaries in the empire or Muslim rulers in other parts of the world.

Witnesses estimated that about fifty thousand people had been taken captive, of whom only five hundred were soldiers. The number of those slain during the siege was said to have been four thousand. It appears that the number of captives was exaggerated, since the city's population

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6 Kristovoulos, *History of Mehmed the Conqueror,* 71–72.
7 Barbaro, *Diary,* 67.
8 Ibid.
9 Chalcocondylas, "Turkish History," 52.

had been reduced during the siege and did not total more than forty thousand people when it fell into the hands of the Ottomans.[10] The city that Mehmed entered in the early evening was "emptied and deserted, despoiled and blackened as if by fire. One might easily disbelieve that it had ever had in it a human dwelling or wealth or properties of a city or any furnishing or ornament of a household. And this was true although the city had been so magnificent and grand. There were left only ruined homes, so badly ruined as to cause great fear to all who saw them."[11]

We do not have any direct evidence of what happened to the Jewish community of Constantinople during and right after the fall of the city. Still, we can offer some hypotheses based on existing information about Jewish dwelling places and the events that occurred around them.

Prior to the siege, the Jews resided in two main centers. The first comprised the areas now called Galata, Kasım Paşa and Hasköy. According to Benjamin of Tudela, who visited Constantinople in 1176, the Byzantines had driven away the Jews who lived in the city (meaning Constantinople *intra-muros*). He wrote that there were no Jews among the Greeks in the city because they had been transferred to the other side of the Golden Horn. Since the sea separated them, they could trade with the masters of the state only if they crossed the sea. Benjamin noted that some twenty-five hundred Rabbinites and five hundred Karaites lived in a place called Pera.[12] Pera is Greek for "beyond," in the sense of the other side of the Golden Horn. In later generations, Pera referred to the hills above medieval Galata, but Benjamin of Tudela most probably meant the entire northern shore of the Golden Horn.

Evidence of Jewish settlement in Kasım Paşa and Hasköy at that time is difficult to interpret. The Jewish quarter in Picridion (Hasköy

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[10] Runciman, *The Fall of Constantinople,* 149–53, and the corresponding references; H. Inalcik, *The Ottoman Empire,* 23–26; B Lewis, *Istanbul,* 100-102

[11] Kristovoulos, *History of Mehmed the Conqueror,* 76.

[12] Benjamin ben Jonah of Tudela, "The Itinerary of Rabbi Benjamin of Tudela" (in Hebrew), in B.Z. Dinur, *Israel in Dispersion* (in Hebrew) (Jerusalem, 1931), vol 2, book 1, 217 See also *The Itinerary of Benjamin of Tudela,* trans. M N. Adler (New York. Philipp Feldheim, 1964), 14 (23–24 in the Hebrew original). The Jews of Constantinople were forced to leave the city around 1150 by the Bishop of Chonae in Phrygia (D. Jacoby, "Les juifs de Byzance: une communauté marginalisée," in C.A. Maltezou, ed., *Marginality in Byzantium* (in Greek) (Athens: Idryma Goulandri-Horn, 1993), 133–34, 142–43, 150–51; idem, "The Jews of Constantinople and their Demographic Hinterland," in C Mango and G Dragon, eds., *Constantinople and Its Hinterland* (Cambridge: Variorum, 1995), 227. On the settlement of Jews in the Venetian, Greek and Genoese quarters of Pera during the Palaeologian period, see ibid., 228–30; idem, "Les quartiers juifs de Constantinople à l'époque byzantine," *Byz* 37 (1967): 195–205, 206, 213–16.

and Kasım Paşa) was mentioned in a description of the Second Crusade in 1147.[13] At the end of the sixteenth century, the Jews of Istanbul claimed that the cemetery in Kasım Paşa had been given to them by Mehmed the Conqueror; this might allude to the existence of a Jewish settlement in the quarter even before the conquest. Knowing that Galata, Kasım Paşa and Hasköy form a chain of settlement along the northern shore of the Golden Horn, a historian could surmise that when a foreigner said Pera he may have meant all three areas.[14] After Benjamin of Tudela visited Constantinople, the Jews were allowed to return to within the city walls,[15] and on the eve of the Ottoman conquest the main Jewish settlement was the Jewish quarter *intra-muros*.

The documentation gives us clues to its location. The Buondelmonte map is chronologically closest to the Ottoman conquest, showing the Byzantine city as it was around 1422. The Porta Iudea (Latin, the Jewish Gate) or Porta Ioudaika (Greek) is shown just before the shoreline curves from the Golden Horn to the Sea of Marmara (see fig. 1). However, this map is schematic and lacks many details of the shoreline, leading to doubts about the cartographer's accuracy in locating the gates. Modern reconstructions of Byzantine Constantinople projected on the Ottoman map identify the Porta Iudea of Boundelmonte with the Çıfıt[16] Kapısı of the Ottoman period, where the Yeni Cami is located today, in the area called Eminönü.[17]

Nicolo Barbaro's recounting of the siege describes events at sea when the walls were breached through the Gate of St. Romanos. When the assault on land began, the Ottoman fleet, which had been anchored near Kabataş, moved to positions near the entrance to the Golden Horn by the boom that the Byzantines had placed there to fortify the port. Ten large ships and many galleys were defending this chain. Although these ships were surrounded by the Ottoman fleet on both sides, within the Golden Horn and outside the Bosphorus, the Ottomans did not attack

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13 F. Chalandon, *Jean II Comnène et Manuel I Comnène* (Paris, 1912), 278.

14 See also Z. Ankori's contention that the names Pera, Galata, and Kasım Paşa were often confused by foreigners (*Karaites in Byzantium* [New York and Jerusalem: Columbia University Press & The Weizmann Science Press of Israel, 1959], 146). On the Karaite settlement on the northern shore of the Golden Horn, see ibid., 143–155.

15 D. Jacoby, "The Jews of Constantinople," 228–30.

16 Çıfıt or çıfüt is a derogatory Turkish term for a Jew.

17 A. Galante, *Histoire des juifs de Turquie*, vol. 1 (Istanbul: Editions Isis, N.D.), 177; D. Essad, *Plan archéologique de Constantinople* (No Place, No date~1930), 6; A.S. Ulgen, *Constantinople During the Era of Muhammed the Conqueror 1453–1481* (Ankara: The General Direction of Pious Foundations, 1939), 13, ref. 22.

Fig. 1. Constantinople before the Ottoman conquest (Christoforo Buondelmonte, *Historia Bizantina,* 1422). In this map, drawn after Buondelmonte`s visit in 1420, the Jewish Quarter`s gate is located at what are now the grounds of the Ottoman Imperial Palace, Topkapı.

the boom. Barbaro wrote: "Since he [the Ottoman Admiral Hamza] was afraid of our fleet, he decided to go and fight behind the city on the side of the Dardanelles and decided not to do battle in the harbor; *and so they landed there, part of them disembarking by the Giudecca* (Italian, the Jewish quarter) [emphasis mine—M.R.], so as to have a better opportunity to get booty, there being great riches in the houses of the Jews, principally jewels."[18] Michael Ducas adds more details about the deployment of that part of the Ottoman fleet: ". . . the rest of his fleet, which had been anchored at the Double Columns [Kabataş], was spread in a curve from the Horaia Gate, past the acropolis of Megademetrius and the Little Gate by the Monastery of the Hodegetria; and going down from the Great Palace past the harbour, they surrounded the city as far as Vlanga."[19]

Jews settled in the Vlanga quarter after 1261 under the policy promulgated during the reign of Michael VIII Paleologos, who sought to repopulate the city.[20] However, no documentation indicates whether the quarter developed—and, if so, the area it came to encompass during the two centuries from the initial settlement of the Jews to the Ottoman conquest. This settlement and the descriptions of Barbaro and Ducas pose a problem. If the Ottoman fleet encircled the entire shoreline from the Horaia Gate to Vlanga and let some of the crewmen ashore in front of the Giudecca, the location of the Giudecca could be anywhere along the beach of the Sea of Marmara. How can this be reconciled with the existence of the gate to the Jewish quarter on the Golden Horn?

One possibility is that Jewish settlement spread from the Porta Ioudaika close to Sarayiburnu, since it had to be past the boom, so that the Jews resided around the area of what was called the New Palace. In Buondelmonte's map this site does not appear, which might imply that the palace, sacked during the Fourth Crusade (1204), was merely a ruin. If we compare these facts with present-day Istanbul, it would indicate that the Byzantine Jewish quarter was situated in the area of the Topkapı Sarayı gardens, and that from the Gate of Jewish Quarter it spread toward Aya Sofia and the Great Palace (see foldout map).

Another possibility is that there were two separate nuclei of Jewish settlement in the Byzantine city (*intra-muros*)—one around the Porta Ioudaika, and the other on the southern shore of the city towards Vlanga

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18 Barbaro, *Diary*, 66.

19 Ducas, "Byzantine History", in J.R. Melville-Jones, *The Siege of Constantinople 1453*, 93.

20 Jacoby, "The Jews of Constantinople," 228.

or in Vlanga itself. This explanation should be considered in light of the thirteenth-century documentation on the Jewish inhabitants of Vlanga and the inconclusiveness of Barbaro's description regarding the exact place of embarkation of the Ottoman fleet, which sailed from Kabataş on the day of the final assault. In any case, the events of the conquest may give us a clue to what happened to the Jewish residents.

The final attack on the city started on the afternoon of May 28. The wall was breached at the Gate of St. Romanos at dawn on May 29; by noon most of the city was in the hands of the conquerors, and only small pockets of resistance remained. If there were any Jewish residents in Vlanga, they would have been among the first to encounter the Ottoman soldiers breaking into the city. It is difficult to imagine that these soldiers, rancorous after weeks of bloodshed and hungry for revenge and loot, made a distinction between Christians and Jews.

When news of the breakthrough spread through the city, many of the Christian warriors left their posts on the walls and hurried to their homes in a last attempt to protect their families. The soldiers and sailors on the ships anchored inside the harbor, on the inner side of the boom, attacked the Platia Gate and the Horaia Gate.

At the Horaia Gate, the companies of two Cretan ships had blockaded themselves in three towers and refused to surrender. The Ottomans were unable to dislodge them and the stubborn fighters held out until the early afternoon of May 29. Then, seeing that there was no hope, the Cretans agreed to surrender on the condition that their lives and property would be spared. The Ottomans, admiring their courage and undoubtedly motivated by pragmatic considerations as well, finally let them sail off with their two ships untouched.[21]

The Porta Horaia was very near the Porta Ioudaika and was the main entrance of the Jewish quarter *intra-muros*. This fierce fighting on the walls of the neighborhood could not have taken place without heavy losses to civilians, both Greek and Jewish. It would be logical to assume that some of the inhabitants fled and that the others were killed during or immediately after the battle.

Another clue which sheds some light on the fate of the Jews of Constantinople is the fact, related by Barbaro, that the Bosphorus fleet disembarked near the walls of the Giudecca. When they learned that the city had fallen, the sailors went ashore to participate in the plundering.[22]

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21 Runciman, The Fall of Constantinople, 143.

22 Barbaro, *Diary*, 66–67

It is inconceivable that these sailors, who had spent the entire night in anticipation of getting rich, would abandon their intentions the next morning because the Jews told them that they had not participated in the fighting. If these Jews did not leave the city while there was still time, at least their earthly belongings would have been plundered as were those of the Christians. Nothing of substance supports the notion that their fate was any different from that of their neighbors.

In 1538–39, two very old Muslims attested to the fact that when Mehmed II had attacked the city, the Jews had not helped the governor of Constantinople—so the sultan had not taken them prisoner and had not harmed their synagogues. Their testimony was used several times during the reigns of Süleyman the Magnificent and Selim II as "proof of the Jews' right to keep their places of worship unharmed, since these had existed at the time of the conquest."[23]

In a *ferman* (sultanic decree) issued in 1693 at the request of the Jewish community of Istanbul, the Jews were given permission to restore several synagogues that had been destroyed by fire. The justification, according to the *ferman*, was that the Jews deserved the privilege given by Islam to the non-Muslim civilian population of a conquered city which did not resist the Muslim army. This could indicate that the fate of the Jews of Constantinople was not as dire as the heavy fighting around their quarter suggests.

But other factors lead us back to the contention that their fate was not much different from that of their Greek neighbors. The first is the gap of almost one hundred fifty years between the conquest and the *ferman*. Although the *ferman* cites earlier documents to support its position, no such documents were ever found to confirm that the victorious Ottomans had given special status to the Jews of Constantinople. Second, in a *ferman* issued the following year (1694) and cited by Galante, the synagogues mentioned in the 1693 *ferman* are declared to have been the property of the Jewish community before the 1453 conquest. However, the synagogues were named for congregations of Jews transferred to Istanbul after 1453, such as Okhrida, Yanbol and Veria, which makes their pre-conquest existence highly doubtful.[24]

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[23] A. Refik Altınay, *Hıcrı On-Ikıncı Asırda Istanbul Hayatı* (Istanbul, 1930), 11. A Hebrew translation of the document was published by H. Gerber, *Economic and Social Life of the Jews in the Ottoman Empire in the 16th and 17th Centuries* (in Hebrew) (Jerusalem: Zalman Shazar Center, 1982), 21–22. A French translation was published by Galante, *Histoire*, vol. 1, 100–102.

[24] Galante, *Histoire*, vol. 1, 33–34.

Third, the Ottomans were very pragmatic. Although traditional Islam forbade the restoration of a burned or dilapidated synagogue, the Ottomans understood that without synagogues the law-abiding and very cooperative Jews of Istanbul would be unable to continue their existence in the city. Therefore, they found a solution that gave them a religious-legal foundation for allowing the synagogues to be rebuilt: proclaiming that the Jews had surrendered in 1453, which entitled them to certain rights in accordance with Islamic law.

Thus, the wording of the *ferman* should not be taken as historical fact, but most probably as a useful, late invention concocted jointly by the Jewish community and the Ottoman authorities. The idea of making up a story about the role of the local inhabitants many years after a city had been conquered was not unusual for the Ottomans; this legal method, which enabled them to accord all sorts of privileges to non-Muslims at their discretion, can be discerned in other cases as well.[25]

Another indication that the lot of the native Jews of Constantinople was not as described in the *ferman* is the legal status of the survivors of the Ottoman conquest. In the Jewish quarter of Balat, the ruins of the synagogue called *Poli Yashan* (Old City) are still visible today. We know that some members left *Poli Yashan* and founded a new synagogue called *Poli Ḥadash* (New City).[26] In these names of mixed Greek and Hebrew, "city" meant Constantinople (Istanbul).[27] These were most

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25 Compare this episode with the one related by several sources on the method used by the Greek patriarch Theoleptos in 1519, in order to persuade Selim I not to destroy the Greek Orthodox churches in Istanbul. On the same episode, see T.H Papadopoullos, "Prolegomena to the History of the Greek Church under the Turkish Domination (1453–1821)," in idem, *Studies and Documents Relating to the History of the Greek Church and People Under Turkish Domination* 1st ed. (Brussels, 1952), 2d ed. (Hampshire, Variorum, 1990), 4–5.

26 Galante, *Histoire*, vol. 1, 27; cf. J. Pervititch, *Plan d'assurance, Corne d'Or-Balat* (Istanbul, 1929), plates 27, 30

27 The mountains of suppositions amassed in M. Benayahu, *Rabbi Eliyahu Capsali* (in Hebrew) (Tel Aviv. Tel Aviv University, 1983), 43, ref. 9, on the name Poli, are based on nothing of substance. Others before him had made the same mistake, identifying Poli with the congregation of Apulia (which originated in southern Italy). Yosef Beghi (*Igeret Qiryah Ne'emanah*, in J. Mann, *Texts and Studies in Jewish History and Literature*, vol. 2 [New York: Ktav Publishing House, 1972], 309, ref. 44) describes how the mob and some of the people of Qostandinah (i.e., of the congregation of Qostandinah) assembled in the Poli Congregation Nevertheless, Mann identified the congregation with Apulia They were followed by J.R Hacker, "The *Surgun* System and Jewish Society in the Ottoman Empire during the Fifteenth to the Seventeenth Centuries," in A. Rodrigue, ed., *Ottoman and Turkish Jewry Community and Leadership* (Bloomington, IN: Indiana University Press, 1992), 63, ref. 179. H. Gerber alludes to the possibility that the group called "the congregation of the Jews belonging to the *vakif*

probably congregations of original Istanbuli Jews. Their native origin is further established by the listing of two congregations named *İstanbul Büzürg* (Big Istanbul) and *İstanbul Küçük* (Small Istanbul)[28] in the Ottoman tax registers of 1540, 1595, 1608 and 1623.[29] Although they were of native origin, they were no better off than were Greek-speaking Jews who had been deported from Asia Minor and the Balkans in order to populate and rebuild the ruined city; they were treated as *sürgün* (those who were transferred by force), not as *kendi gelen* (those who came of their own free will). Apparently, the first members of these two congregations ran away from the besieged city and were forced to return by the Ottomans. By running they forfeited their rights vis-à-vis the Ottomans, which is why they were given the status of *sürgün*.[30]

The flexibility with which the Ottomans used the laws of Islam when it served their interests is also displayed in their attitude toward the Jews of Galata (Pera). On the eve of the conquest, the town was inhabited mainly by Christians from Catholic Europe, especially Genoese and Venetians, while Greeks and some Armenians and Jews also lived there. The town was basically a Genoese colony, governed by a Genoese *podesta* (mayor), Angelo Giovanni Lomellino. During the siege, the Christian inhabitants were formally neutral; they pledged not to give aid to the besieged nor to act against the Ottomans, and they reaffirmed an agreement between the town and the sultan. In reality, their sympathies lay with the besieged.

The people of Galata tried to be prudent; they maintained a neutral facade while keeping secret that they were assisting Constantinople with weapons, manpower and intelligence.[31] But it was impossible to hide the fact that Genoese and Venetian ships had offered their help to the emperor and had participated openly in the defense of Constantinople, and when the city fell it was discovered that many of the people of

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of Valıde-ı Atık," who lived in Üsküdar, were actually the original Istanbuli Jews who had received special rights from Mehmed the Conqueror. However, the tax register describing this congregation is from 1688–89; cf. U. Heyd, "The Jewish Communities of Istanbul in the Seventeenth Century," *Oriens* 6 (1953): 306–307, and H. Gerber, *Economic and Social Life of the Jews in the Ottoman Empire in the Sixteenth and Seventeenth Centuries* (in Hebrew) (Jerusalem: Zalman Shazar Center, 1982), 27. Compare with S.A. Rozanes, *History of the Jews in the Ottoman Empire* (in Hebrew), vol. 1 (Tel Aviv, 1930), 120.

28 Derived from the Persian: *bozorg* and *kuçek*.

29 See Table 1, notes h, j, l, and m below.

30 For more on the *surgun*, see pp. 19, 37–38, 46–47 below.

31 Leonard of Chios, "The History of the Loss and Captivity," in J.R. Melville-Jones, *The Siege of Constantinople 1453*, 18; Ducas, "Byzantine History," 90–91.

Galata were among its defenders.[32] This meant that the inhabitants of Galata had forfeited their rights under the *aman*—the protection granted by the sultan on the basis of their promise not to act in any way that would harm his interests. When the people of Galata realized that Istanbul had fallen, they had to decide quickly what to do.

The descriptions of the fall of Galata differ in the order of events. Although the exact sequence would seem to be inconsequential, it is actually vital in connection with the Ottomans' application of Islamic laws regarding the inhabitants of a conquered city and the fate of the Jewish community in Galata. According to some witnesses, the Christians began to flee immediately after the fall of Constantinople and crowded the docks in frantic attempts to escape. Leonard of Chios writes: "Those of them who did not manage to board their ships before the Turkish vessels reached their side of the harbor were captured; mothers were taken and their children left, or the reverse, as the case might be; and many were overcome by the sea and drowned in it. Jewels were scattered about, and they preyed on one another without pity."[33]

The Ottomans tried to persuade the inhabitants of Galata to stay, promising them that no harm would come to them; nevertheless, those who had the opportunity fled.[34] It was only after part of the population had already run away, according to Leonard of Chios, that the remaining inhabitants concluded that the approaching Ottoman fleet made surrender the only sensible action to take. A mission of inhabitants headed by the *podesta* of Galata went to the sultan and prostrated themselves before him, handing him the keys of the city as a symbol of their surrender.[35] More or less the same order of events emerges from Michael Ducas's "Byzantine History"[36] and Giovanni Lomellino's description written on June 23, 1453.[37]

On the other hand, Laonicus Chalcocondylas contends that when the *podesta* saw that Constantinople had fallen he decided to surrender—and that only after the keys of the city were handed over to Zaganos

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32 Part of a letter sent by Mehmed the Conqueror to the Sultan of Egypt in which he relates the events in Galata, cited by H. Inalcik, "Ottoman Galata, 1453–1953," *Varia Turcica 13* (*Colloque Galata*), 23.

33 Leonard of Chios, "The History of the Loss and Captivity," 41 Compare with Ducas, "Byzantine History," 102

34 Ibid

35 Leonard of Chios, "The History of Loss and Captivity," 41.

36 Ducas, "Byzantine History," 102.

37 A. Pertusi, trans. and ed., *Testi inediti e poco noti sulla caduta di Constantinopoli* (Bologna: Patron, 1983), vol. 1, 35–36.

Paşa did the Ottoman fleet start to sail towards Galata. Seeing the approaching Turkish ships, the inhabitants rushed panic-stricken toward the docks in an attempt to escape on the Venetian ships. But the Ottomans held them back, and even killed some to discourage the others.[38]

The order of events cannot easily be determined with certainty. In the tumult that prevailed in Galata when people realized that Constantinople had fallen, nobody could tell for sure what happened first and what next. One fact that does seem clear, however, is that the moment the *podesta* understood that Constantinople had fallen, he decided to surrender. Nicolo Barbaro's description of the activities of the Venetian fleet on the afternoon and evening of May 29 is very telling: the *podesta* prevented the Venetian officers who came to consult with him from going back to their ships. The only explanation for his behavior is that having decided already to surrender, the *podesta* tried to hold them as a possible bargaining card with the Ottomans.[39]

The difference between the two versions has implications for the fate of the survivors. Even if many of the inhabitants ran away before or during the surrender of the rest, those who surrendered were entitled to protection under Islamic law in regard to a city which surrenders without a fight. But if the population surrendered first and then some of the people fled, their flight would indicate that they denied the intentions and understandings expressed by their surrender and thereby forfeited their legal rights.

According to some descriptions of the siege and fall of the city, Zaganos Paşa and his soldiers entered Galata in an orderly manner and the population was not harmed.[40] Laonicus Chalcocondylas, on the other hand, does not mention any magnanimity on the part of Zaganos Paşa's army. Leonard of Chios explains that the Genoese contradicted instructions from Genoa, and in order to avoid the loss of life and property they agreed to a life of enslavement and servitude. He also points out that the property of those who ran away was confiscated by the treasury of the Ottoman governor appointed at that time.[41] Both Michael Ducas and Giovanni Lomellino note that the sultan declared that any fugitives who came back would have their property returned to them. Five days after the fall of Galata, says Ducas, a census was made and the bolted

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38 Chalcocondylas, "Turkish History," 53.

39 Barbaro, *Diary*, 68–69

40 Ducas, "Byzantine History," 102; Kristovoulos, *History of Mehmed the Conqueror*, 76.

41 Leonard of Chios, "The History of Loss and Captivity," 41.

houses of the fugitives were unlocked so their belongings could be inventoried. Those who had fled were given a grace period of three months to return and reassume ownership of their assets.[42]

Inalcik estimated that around eight percent of the original population fled Galata. However, his calculation was based on the census of 1455, which was incomplete. In that same census, the names of Jews appeared as residents of two quarters: Fabya, near the church of San Fabyan, and Samona, near Karaköy. There was also another section called the Jewish Quarter near the church of San Benito, but only a few Jews lived there. Since all these people retained their homes in 1455, they must have stayed in Galata instead of running away.[43] Nevertheless, the survey of 1472 does not mention even one Jewish household in Galata,[44] and this remained the situation until the middle of the sixteenth century.[45] Since Galata continued to be an important trade center with the Christian world, it is hard to believe that all the Jews mentioned in the 1455 census left the neighborhood of their own free will.[46] Thus, although the Jews of Galata did nothing to forfeit their rights, they were probably deported to Istanbul and treated like the Jewish population of conquered Constantinople, in a way befitting a vanquished population which had resisted the Ottoman armies.

For many local Greek-speaking Jews, therefore, the conquest meant—in addition to the calamities inflicted on conquered civilians—changes in residence and legal status that indicate that the Ottomans considered them part of the defeated population.

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42 Ducas, "Byzantine History," 112; Giovanni Lomellino, in A. Pertusi, trans. and ed., *La caduta,* vol. 2, 47 and 373, ref. 14.

43 Inalcik, "Ottoman Galata," 43, 47, 56.

44 Ibid., 96–97

45 M.A. Epstein, *Ottoman Jewish Communities and their Role in the Fifteenth and Sixteenth Centuries* (Freiburg: Klaus Schwartz Verlag, 1980), 178. Cf. Inalcik, "Ottoman Galata," 103. The congregation called Galata in the registers of 1540 and 1545, which Epstein cites, consisted of Jews deported from Galata to Istanbul, since not a single Jew appears in the survey of Galata itself from these years.

46 See below, pp. 55–56.

CHAPTER TWO

THE OTTOMAN STATE AND THE JEWS OF ISTANBUL

Islam divided the world into two parts: *Dar al-Islam* was the House of Islam, the places in which Islam ruled; *Dar al-Harb* was the House of War, those parts of the world to which Islam had not yet been brought by the sword. Since the Ottoman Empire was a Muslim state, its norms were based on Islamic law, the *shari'a*. Consequently, the *shari'a* defined the framework for the lives of non-Muslims in the empire as well.

THE LEGAL STATUS OF THE JEWS

In *Dar al-Islam*, those who did not accept the Muslim faith could be of a different religious persuasion so long as they accepted the sovereignty of Islam. If they acknowledged the subordination of their religion to the true faith by paying a poll tax and obeying certain rules designed to emphasize their inferior status as outsiders, they could live under the *dhimma* (protection; in Turkish, *zimmet*) of Islam. As a *dhimmi* (in Turkish, *zimmi*), such a person had the right to life, liberty and property ownership, and was allowed to exercise his religion so long as he did nothing to harm the believers of Islam and the Muslim state.

However, not every non-Muslim could be a *zimmi*; this status was bestowed only on those who belonged to one of the monotheistic religions—Judaism or Christianity—whose writings were considered by Islam to be earlier revelations of God's messages which had lost their relevance with the coming of Islam.

The rules that had the greatest impact on the daily lives of non-Muslims were those that differentiated them from Muslims. These were formulated in the Covenant of 'Umar, named after the second caliph, 'Umar Ibn al Khattāb. Although they changed from one place to another, from one period to another, their essence can be summarized in the following prohibitions.

A *zimmi* was not allowed to:

1. Hold a position which exercised authority over a Muslim
2. Buy land
3. Practice his religion in a way that offended Muslim sensibilities
4. Have a house taller than that of a Muslim

5. Build a new house of prayer or restore a dilapidated one
6. Wear garments that did not identify him as a non-believer in Islam
7. Wear certain colors such as white and light green (which were designated for Muslims only)
8. Carry a sword
9. Ride a horse
10. Own Muslim slaves or employ Muslim servants

Formally, it was a one-sided pact; if a *zimmi* violated the terms, he lost his right to the *zimmet*—but nowhere was it ever stated what would befall a Muslim ruler who did not assure the rights of the *zimmi*.[1] Concomitantly with the written word of the *shari'a*, however, its interpretation added an unwritten but pragmatic aspect. It was embedded in many generations of Ottoman political tradition, and imbued with the cultures of the empires on which it was founded, such as the Roman Empire and pre-Islamic Iran. The sultan's role was perceived as being to secure justice for his subjects. Justice meant the *shari'a*. To enforce the *shari'a*, the sultan needed an army. To maintain an army, he needed money. Money came from his subjects through taxes. The subjects could pay their taxes only if they were happy, well cared for and satisfied. Hence, in order for the sultan to rule, he had to keep his subjects happy. The concept of a circle of justice was formulated not only in theoretical writing;[2] it can also clearly be traced in the imperial legislation of the sixteenth century.[3] This pragmatic view had a marked impact on the way the laws of Islam were exercised in regard to the *zimmi*s.

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[1] For a detailed study of the early sources for the rules defining the limitations of the *dhimmis'* existence in the Muslim state (seventh through eleventh centuries), see M. Gil, *Palestine During the First Muslim Period (634–1099)* (in Hebrew) (Tel Aviv: Tel Aviv University and the Ministry of Defense Publishing House, 1983), vol 1, pp 116–40; idem, *In the Kingdom of Ishmael* (in Hebrew) (Tel Aviv and Jerusalem: Tel Aviv University, the Bialik Institute and the Ministry of Defense Publishing House, 1997), vol. 1, pp. 268–87. See also C.E. Bosworth, "The Concept of *Dhimma* in Early Islam," in B. Braude and B. Lewis, eds. *Christians and Jews in the Ottoman Empire The Functioning of a Pluralistic Society* (New York: Holmes & Meier, 1982), vol. 1, *The Central Lands*, 37–54; *EI*², s v. "Dhimma." For a selection of Muslim sources dealing with the subject from the seventh through fourteenth centuries, see B. Lewis, *Islam* (London: MacMillan, 1979), vol. 2, 217–35.

[2] C.H. Fleischer, *Bureaucrat and Intellectual in the Ottoman Empire The Historian Mustafa Âli (1541–1600)* (Princeton: Princeton University Press, 1986), 262.

[3] The *ferman* that Süleyman gave to the Jews of Jerusalem after they complained in 1554 of harassment and insults from the Ottoman functionaries is an example of the Ottoman conception of government: "I resent the idea of anyone being molested or harassed during the days of my sultanic happiness. The purpose of appointing a governor and a *kadı* is to ensure that the *reaya* (taxpayers) in that place will enjoy a plentiful

Within this concept is another dichotomy in Ottoman society. In addition to the division into *zimmi* and Muslim, the population was divided into *askerî* and *reaya* (both are Turkish terms derived from Arabic). The *askerî* (military) were members of the military-administrative stratum and the Muslim religious elite (*ulema*), while the *reaya* (flock) were all the rest. The *askerî* were the ruling class, the *reaya* were the ruled; the latter were the taxpayers, the former were those who collected and often spent the taxes. While the *askerî* were almost always Muslim, the *reaya* comprised members of all three religions.[4]

The De Facto Status of the Jews

In principle, only those people who surrendered without a fight could enjoy the protection of Islam. In practice, however, things were somewhat different, reflecting the gap between theological ideology and the needs of the moment. While we have good reason to believe that the Jews of Constantinople fled during the siege of the city, which would have justified their inferior status as *sürgün*, the Jews of Galata certainly did not run away; nevertheless, the latter were eventually treated the same as were the Jews of Constantinople.

Apparently, then, the actions of the vanquished were taken into account by the Ottomans at their discretion; when the legal ramifications of these actions did not serve their purposes, the authorities found ways to ignore the law. This was characteristic of the manner in which the Ottomans implemented the laws of Islam. They applied the rule concerning a runaway population to Jews who did not run away, as well as to Jews whom we assume did flee. Then, a century and a half later, they considered all of the Jews of Istanbul to be in the category of those who had not opposed the conquest and, therefore, were worthy of special rights—simply because, at the time, it seemed reasonable and sensible to let them repair their fire-damaged synagogues.[5]

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life in the times of my sultanic justice" (A. Cohen, ed., *Ottoman Documents on the Jewish Community of Jerusalem in the Sixteenth Century* (in Hebrew) (Jerusalem: Ben-Zvi Institute, 1976), 50–51. See also M. Kunt and C. Woodhead, eds., *Suleyman the Magnificent and his Age The Ottoman Empire in the Early Modern World* (London & New York: Longman, 1995), Part II: Ideal Sultan, Ideal State, 117–90.

[4] Compare *EI*², s.v. "Askari," and Fleischer, *Bureaucrat and Intellectual*, 5–6; C. Kafadar, *Between Two Worlds*, 139–43.

[5] R. Altınay, *Hicri On-Ikinci Asırda Istanbul Hayatı*, 11. See also chap. 1 above.

This is but one example of the pragmatic way in which the Ottomans exercised the law. After the storm of conquest abated and in later generations, all Jews, both *sürgün* and *kendi gelen*, were treated equally under the *zimmet*—except for restrictions on the *sürgün*'s freedom of habitation; they could not move elsewhere.[6] Thus the *ferman* of 1693 reflected the Ottomans' attitude toward the Covenant of 'Umar in connection with the repair and building of synagogues. Only Bayezid II enforced the prohibition against building new synagogues; otherwise, the Ottomans ignored it in most towns, and were lenient in Istanbul. The reason was pragmatic: the happiness of the sultan's subjects depended on having a religious and social life.[7] There were no Jewish ghettos, and mixed quarters were numerous. However, to avoid having Jews petition to build a synagogue near a mosque, and to ensure the true believers easy access to their house of prayer, the Ottomans forbade non-Muslims from settling in the vicinity of a mosque. The authorities also used the building of new mosques as an excuse to force Jewish landlords (and other non-Muslims) to sell their nearby property.[8]

The prohibition against building structures taller than those of Muslims was not enforced in sixteenth-century Istanbul. For example, Mosheh Hamon acquired the right to build a four-story stone house. Yosef Nasi, his aunt, and other Jewish dignitaries owned virtual palaces.[9] While few privileged people were so fortunate, the point is that Jews with money could buy the symbols of status, just like Muslims.

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6 See below, pp. 46–47.

7 On the policy of Bayezid II in this matter, see J.R. Hacker, "The Jewish Community of Salonika, from the Fifteenth to the Sixteenth Century: A Chapter in the Social History of the Jews in the Ottoman Empire and their Relations with the Authorities" (in Hebrew) (Ph.D. diss , Hebrew University of Jerusalem, 1987), 150–53. On Ottoman policy in general in this regard—for example, in Jerusalem—see A Cohen and E. Simon-Pikali, *Jews in the Muslim Religious Court Society, Economy and Communal Organization in the Sixteenth Century Documents from Ottoman Jerusalem* (in Hebrew) (Jerusalem: Ben-Zvi Institute, 1993), 70–86. On sixteenth-century Istanbul, see Refik Altınay, *Hicri On-Ikinci Asırda Istanbul Hayatı,* 11.

8 On the policy of keeping non-Muslims from residing in the vicinity of mosques, and of building mosques which forced non-Muslims to move, see M E. Düzdağ, *Şeyhulislam Ebussuud Efendi Fetvaları* (Istanbul, 1972), 94–95; A. Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı* (Istanbul: Kültür ve- Turizm Bakanlığı Yayınları, 1987), 79; Rabbi Eliyahu HaLevi, *Responsa, Zeqan Aharon* (Istanbul, 1734), 113:70a (doc. 3 below); Rabbi Yosef Ibn Lev, *Responsa,* vol. 3 (Amsterdam, 1725), 42:20a (may have referred to either Istanbul or Salonika). On mixed quarters, see below, pp. 62, 215–17.

9 On the house of Mosheh Hamon, see Hans Dernschwam, *Tagebuch einer Reise nach Konstantinople und Kleinasien (1554–1555),* ed. F. Babinger (Münich & Leipzig, 1923), 113. On the house of Doña Gracia Nasi, see p. 210 below.

In principle, all lands of the empire belonged to the sultan; nobody held full ownership of his land, although there were several categories and sub-categories of landholding.[10] The sultan himself allocated land to high functionaries as sources of revenue. Some lands were handed over to religious endowment trusts (*vakıfs*). Other lands were a direct source of sultanic revenue (*has*). Most ordinary people were tenants, not property owners. Nevertheless, Jews not only managed to perpetuate for generations their right to use the property they were renting, but even built on the leased land.

Among themselves, Jews freely transacted for the use of rental property owned by others. The liberal use which Jews could make of such property (somewhat less freely in the case of *vakıf* property) was a result of *ḥazaqah*, the Jewish community's internal regulations pertaining to business relationships among Jews; these rules were meticulously enforced. They forbade Jews to offer to rent a Gentile's property if the previous tenant had been a Jew and fewer than three years had passed since the previous tenant left. This greatly limited the Gentile owners' ability to lease their properties, and the Jewish tenants acquired practical control over the assets without owning them. Although *ḥazaqah* rules were not formulated in writing until 1573, the rules themselves were valid and practiced long before that.[11]

In many cases, Jews were able to acquire private real estate (*mülk*) in urban areas.[12] These houses or gardens were usually located outside the

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[10] In a legal dispute brought to his court during the reign of Sultan Süleyman or Selim II, Rabbi Yosef Caro said: "You should know that all the lands in the kingdom of our lord the king, may his splendor rise aloft, are given by the king, as it was testified in front of me by trustworthy people, that the honorable, the king's daughter, may his splendor rise aloft, wanted to buy houses from the landlords there in Qostandina, and they refused, and she summoned them to the court of the viziers [*mishnim*], and it was found written that all the lands all over the kingdom belong to the king, but he gave permission to the people of his kingdom to build houses. Thus, the land of each and every house belongs to the king, and the building belongs to the owner of the house." (Responsa, Avqat Rokhel [Leipzig, 1859], 47:44b).

[11] Rabbi Avraham HaLevi, *Responsa, Ginat Veradim*, vol. 2 (Istanbul, 1716), *Ḥoshen Mishpat*, Rule 6, sec 1: 153a–154b. See also Rabbi Eliyahu Ibn Hayim, *Responsa, Mayim 'Amuqim* (Venice, 1657), 3:42b–45b, 88:142b; Rabbi Yosef Ibn Lev, *Responsa*, vol. 2 (Jerusalem, 1959), 75:189–91, 80:198–202; vol. 3, 63:32b; vol. 4 (Amsterdam, 1725), 17:7b; Rabbi Yehoshu'a Ẓonẓin, *Responsa, Naḥalah li-Yhoshu'a* (Istanbul, 1734), 42:48a (doc. 21 below), and M. Benayahu, "Ascamot about Hezqat Hahaẓerot, Habbatim Vehahanuyot in Salonika and the Juridical Decisions of R. Yosef Taitaẓaq and his Contemporaries" (in Hebrew), *Michael* 9 (1985): 56–57, 62–64.

[12] Rabbi Tam Ibn Yahya, *Responsa, Tumat Yesharim* (Venice, 1622), 152:48b; Ibn Lev, *Responsa*, vol. 2, 74:185–88, 80:198; vol. 3, 98:51a; vol. 4, 17:7b, 18:8a; Ibn

city walls. This kind of property ownership was strongest in terms of legal rights. In principle, the land itself was still state property; however, the house built on it was the property of its builder.[13] Thus, the ability of a Jew to acquire real estate was not significantly different from that of any other subject of the sultan at the same socioeconomic level.

Garments, like houses, were status symbols. Although early versions of the Covenant of 'Umar did not mention the kinds of fabrics from which garments worn by non-Muslims should be made, the low status of the *zimmi*s implied that they should exercise moderation in every visible way. It was Süleyman the Magnificent who codified the regulations regarding the attire of his subjects, specifying both headgear and dress to differentiate between *reaya* and *askerî*. Nevertheless, the *zimmi*s in Istanbul felt free to dress in expensive wool and muslin like the clothing worn by the *sipahis* (cavalry soldiers), and in soft, silky *atlas* and cotton cloaks and expensive shoes. But some of them dressed so ostentatiously that their clothing became a point of contention in the middle of the sixteenth century, and *fermans* were issued to restrict the ways in which Jews and Christians could dress.

The first *ferman*, issued in 1568, gave two reasons for the restrictions. First, the wearing of ostentatious clothing by *zimmi*s blurred the religious distinction between them and the believers in Islam, as well as the social distinction between *zimmi*s and higher social classes. Second, the demand by *zimmi*s for fine clothing was causing prices of such attire to rise.[14] A subsequent *ferman*, issued in 1577, mentioned only the first reason.[15]

Hebrew sources attest to the penchant of Jewish women for expensive clothes, and confirm the picture painted by the *fermans*: during times of economic growth, many people who wanted to emulate the rich took advantage of the fact that it cost less to invest in fancy clothes than in fancy homes (although, relatively speaking, housing was cheap and clothes were expensive in the sixteenth century—the opposite of

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Hayim, *Responsa, Mayım 'Amuqım*, 3:42b–45b, 70:115b, Rabbi Yehıel Bassan, *Responsa* (Venıce 1737), 23·14a–b, 82:54a; Ö.L. Barkan and E.H. Ayverdı, *Istanbul Vakıfları Tahrîr Defterı* 953 (1546) *Târîhlı* (Istanbul, 1970), *vakıf* 2037

13 H. Inalcik, *Economıc and Socıal Hıstory of the Ottoman Empıre 1300–1600* vol. 1, in idem and D. Quataert, eds., *An Economıc and Socıal Hıstory of the Ottoman Empıre 1300–1914* (Cambridge: Cambrıdge Universıty, Press, 1997), 104–105, and see ref. 10 above.

14 Refik Altınay, *Onuncu Asr-ı Hıcrıde Istanbul Hayatı*, 71–72

15 Ibid., 77. On the *ferman* concerning hat fashions, see ibid., 78.

the situation today). The authorities could ignore the relatively few Jews who behaved in a manner unbefitting lower-class subjects by building luxury homes, but when the increasing number of well-dressed *zimmi*s elicited public indignation and threatened to distort the social order, the law was called upon to remedy the situation.[16]

The Muslim residents of Kasım Paşa had a similar motivation when they plundered the expensive and pretentious Jewish tombstones in the cemetery. Although the ostensible excuse for taking the stones was that their large size allowed thieves to hide behind them, what actually attracted the attention of the Muslims was that the tombstones were too grand for the lower-class *zimmi*s (not to mention that the stones also made fine-quality building material for those who appropriated them).[17]

In practice, the *fermans* were not strictly obeyed. Legally, the Jews were on a lower level than the Muslims and the Muslims wanted to keep it that way, but the Jews persisted in expressing their economic status by means of the same symbols used by the Muslims. The Jews continued to buy expensive clothes and erect expensive tombstones, and the Ottomans did very little to enforce the laws and conventions.

Donald Quataert cautiously suggests that the Süleymanic regulations on clothing indicated that the state wanted to reduce social mobility—to have each person know his place and stay there. If Quataert is right and the state implemented this perspective, then there is even greater significance in the liberty permitted the *zimmi*s in the Süleymanic era in the overall quality of their apparel (if not in certain details). It means that although the state was adamant about maintaining a clear difference between ruling class and ruled, it was not overly concerned (at least until the end of the era) about the fact that the *zimmi*s' dress did not befit their inferior religious status. Distinguishing between people of superior and inferior religions in the same economic stratum was not seen to be as important as distinguishing between ruling class and ruled.[18]

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16 See, for example, Rabbi Eliyahu Mizrahi, *Responsa* (Jerusalem, 1959), 69:236. At the beginning of the sixteenth century, Rabbi Yiẓhaq Ẓarfati gave an extremely interesting description of the way clothing and jewelry denoted one's social status in Ottoman society (Bibliothèque nationale [Paris], Hebrew ms. 421, 132b–133a). Compare with Hacker, "The Jewish Community of Salonika," 149, and see the long discussion on the date of the letter, ibid., supplement A, pp. a–g.

17 Compare, for example, the order of Al-Mutawakkil (850) regarding the graves of the *dhimmis* (Lewis, *Islam*, vol. 2, 225) and Refik Altınay, *Onuncu Asr-ı Hıcrıde Istanbul Hayatı*, 81–82.

18 D. Quataert, "Clothing Laws, State, and Society in the Ottoman Empire, 1720–1829," *IJMES* 29 (1997): 406.

Riding a horse was another sign of high status and therefore was supposedly an inappropriate activity for *zimmis*, but there is evidence that Jews occasionally used this mode of transportation.. While an exceptional figure like Don Yosef Nasi did not represent the average Istanbuli Jew, he was not the only one on horseback. After a ship sank in the Sea of Marmara, a Jew who was on his way from Istanbul to Gelibolu described how he had to dismount from his horse in order to identify a corpse which had washed up on the seashore.[19] This rider was an ordinary Jew who exemplifies how some Jews traveled to and from Istanbul on horseback.

Jewish households in the upper middle class and above, like comparable Muslim households, had at least one or two servants. The household of Gracia Nasi, for example, fed eighty people each day, which gives some indication of the number of slaves and servants the lady of the house must have possessed—some of whom she had brought with her from the Low Countries.[20] The Ottomans were very unhappy not only that Jews owned slaves, but also that they were slave traders (and on a large scale as well).[21] From the Ottoman perspective, it was inconceivable for *zimmis* to own slaves who were Muslims, or who could have become Muslims if they had been owned by Muslim households. *Fermans* issued in 1559,[22] 1560,[23] and 1575[24] prohibited *zimmis* from

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19 Rabbi Yosef Ibn Lev, *Responsa*, vol. 1 (Jerusalem, 1959), 1·7

20 On the ownership and trading of slaves by Jews in the Ottoman Empire, see M Rozen, "La vie économique des juifs du bassin méditerranée de l'expulsion d'Espagne (1492) à la fin du XVIIIe siècle," in S Trigano, ed., *La société juive à travers l'histoire* (Paris: Fayard, 1993), vol. 3, 337 and refs. On the ownership of slaves by Jews in Istanbul in the first half of the sixteenth century, see HaLevi, *Responsa, Zeqan Aharon*, 19:25b, 111:69a, 142:79a; Ẓonẓin, *Responsa, Nahalah li-Yhoshu'a*, 11:11a (doc. 18 below); Ibn Lev, *Responsa*, vol. 3, 45:21a–22a; P. Belon, *Les observations de plusieurs singularitez et choses mémorables trouvées en Grèce, Asie, Judée, Egypte, Arabie, etc* (Paris, 1555), 192b, A. Danon, "Documents Relating to the History of the Karaites in European Turkey," *JQR* 17 (1926–7). 246–47. For the same topic at the beginning of the seventeenth century, see Yehiel Bassan, *Responsa*, 23:14a–b, 82:54a. On the household of Doña Gracia, see p. 210 below.

21 On the role of Jews in the Ottoman slave market, see the letter David de'Rossi wrote from Safed to his family in Cesena, Italy (1535), describing an Egyptian Jewish merchant who owned eighty-five black slaves (*Letters from the Land of Israel*, ed. A Ya'ari [in Hebrew] [Ramat Gan: Massada, 1971], 185). On the role of Jews in the Istanbul slave market (*Esir Pazarı*) in the sixteenth and seventeenth centuries, see ref. 25 below. See also Joseph Pitton de Tournefort, *Relation d'un voyage du Levant* (Paris, 1717), vol. 1, 515.

22 Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 65. The date is erroneously given as 1569.

23 Ibid., 66–67

trading in slaves, and ordered that all slaves owned by *zimmi*s be sold to Muslim households. The ostensible reasons behind these *fermans* were that *zimmi*s were not to have a superior status over Muslims, nor to be in a position to influence others to convert to their religion. But beneath the surface was the Ottomans' discontent with *zimmi*s possessing such status symbols. Then there was the economic factor: excluding *zimmi*s from the slave market would reduce the demand for slaves and lower their price. Since the imperial household was the largest buyer of slaves, the *fermans* were clearly in its economic interest. However, neither Jews nor Christians stopped buying slaves; eventually they started paying a tax for the right to do so, which indicates that the social aspect was no longer an important factor. Even then, however, the Covenant of 'Umar forbade Jews to own Muslim slaves or employ Muslim servants.[25]

In a similar vein, *zimmi*s were excluded from the army and the administration because they were not supposed to have any authority over Muslims.[26] However, there were exceptions. Jews who were suppliers of goods and services to the Ottoman armies could find themselves in combat, but that happened only because of special circumstances;[27] normally, the rule was that Jews did not carry arms and did not become soldiers.[28]

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24 Ibid., 76.

25 On Istanbuli Jews and slavery during subsequent centuries, see Tournefort, *Relation d'un voyage*, vol. 1, 515; Gerber, *Economic and Social Life*, 120; A.E. Fisher, "Moscovy and the Black Sea Slave Trade," *Canadian-American Slavic Studies* 6 (1972): 575–94. Fisher's estimation of the role of Jews in this trade is highly exaggerated; see, for example, ref. 47 on page 584. The information cited in the text itself, as if Jews were the major part of the 2,000 slave merchants of Istanbul, is not to be found in Eremya Çelebi's book.

26 For example, Jacopo Gaeta—better known as Yaqub Hekim, physician to Mehmed the Conqueror—had to convert to Islam before he could use the power he had accumulated (B. Lewis, "The Privilege Granted by Mehmed II to his Physician," *BSOAS* 14 [1952]: 550–63); idem, "On a Historical Document in the Responsa of Rabbi Shemuel de Medina" (in Hebrew), *Melila* 5 (1955): 169–76. E. Birenbaum, "Hekim Ya'aqob Sultan Mehmed the Conqueror's Physician" (in Hebrew), *Ha-Rofe ha-'Ivri* 34 (1961): 114–15, 131–34. When Mosheh Hamon achieved the same kind of power, he was exposed to the same pressures (M. Benayahu, "The Sermons of Rabbi Yosef b. Meir Garson as a Source for the History of the Expulsion from Spain and the Sephardi Diaspora" (in Hebrew), *Michael* 7 (1981): 192–93).

27 Ibn Yahya, *Responsa, Tumat Yesharim*, 136:66a–b.

28 See, for example, the information on the title page of *Sefer ha-Mispar* by Rabbi Eliyahu Mizraḥi (in Hebrew) (Istanbul, 1534). According to the printer, Gershom ben Yisrael Natan Sonẓin (Ẓonẓin), son of Shemuel ben Mosheh, the first of this line, namely, Mosheh Sonẓin, fought in the town of Firet against "the wicked man Fra Juan

Another exception involved tax farming. The Ottoman tax system was based on farming out to the highest bidder the right to tax specific areas or enterprises such as a village or a group of villages, a quarry or an *iskele* (wharf or quay, an anchoring place for the ships at the port). Even though tax farming was a purely economic matter, it put many Jewish businessmen in positions of authority and power over Muslims. Some of these Jews acquired so much power that it caused a great deal of discontent.

In 1582, a *ferman* noted that most of the *iskeles* of Istanbul were farmed by Jewish customs collectors and that all of their employees were Jews. Ottoman dignitaries and ship captains resented having to obey these people, and complained about the situation.[29] Since the Jewish customs collectors were invaluable, the *ferman* did not discharge them. Instead, it ruled that the only Jews who could work at the docks were those whose names appeared on the farming document, i.e., the owners of the businesses. All of their employees had to be Muslims, so that the people who actually dealt with the passengers and captains would be Muslims.

While this solved the problem of the dignitaries and captains, it did not eliminate the basic issue—*zimmi*s exerting authority over Muslims—because now Muslims were the employees of Jews. Nevertheless, expediency prevailed over ideology, and the situation was allowed to continue.[30] Presumably, the tax farmers took precautions to prevent their employees from taking advantage of their positions and endangering their lucrative sources of income.

Each religion had its own court of law. However, if there was litigation between a Muslim and a Jew, the case went to a Muslim court—because it was inconceivable to the Ottomans that a case involving a

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de Capistrano, and he had driven him and all his army from there." However, Rozanes (*History of the Jews*, vol 1, 14) wrote that Sonzin fought with Sultan Murad against the Hungarian army and Juan Capistrano near *Fired* not far from Mohač, near the Danube. Since the Zonzin or Soncino family moved their printing house to Istanbul in 1530, and the war against the Hungarians took place in 1444 with the decisive battle near Varna in Bulgaria (Inalcik, *The Ottoman Empire*, 21), it is very unlikely that Mosheh Sonzin fought there on the Ottoman side. It is much more reasonable to explain this passage in the title page of *Sefer ha-Mispar* as relating the polemics between Capistrano and his entourage, and a group of Jewish scholars that included Sonzin. The identification of the city as Fired is very doubtful See S Simonsohn, *The Apostolic See and the Jews* (in Hebrew) (Tel Aviv· Dvir Publishing House, 1994), 266, and refs.

29 Refik Altinay, *Onuncu Asr-i Hicride Istanbul Hayati*, 181–82.

30 On Jews functioning as tax and customs farmers in Istanbul until the nineteenth century, see Rozen, "La vie économique," 341–42 and refs.

Muslim would be heard anywhere else.[31] In the Muslim courts, Jews were ostensibly inferior to Muslims; the testimony of a *zimmi* supposedly held less weight than that of a Muslim, so Jews involved in litigation with Muslims sought to bring Muslim witnesses to support their cases.[32]

In practice, however, the Muslim courts dispensed justice fairly evenhandedly; Ottoman legal documents show that Muslims did not automatically win cases against Jews.[33] In fact, although Jewish communal covenants forbade the practice, Jews sometimes turned to the shari'a court even when both parties were Jewish, especially when the plaintiff felt that he had a better chance of winning his case in that court.[34] Moreover, the Jews routinely used the *vakıf* (Muslim endowment trust) to ensure that their estates would be handled in the best interests of their heirs or their community. They very clearly had faith in the integrity of the Muslim judges who dealt with these matters.[35] Not only Istanbuli Jews turned to the Muslim courts of Istanbul. Rabbi Tam Ibn Yaḥya commented in one of his responsa that "many of our nation come [to Istanbul] to stand trial for their lives and their money in [the Muslim] courts, and also many Israelites from all over the Diaspora."[36]

The most important manifestation of the inferiority of the *zimmi* was the poll tax (*cizye*). Under classical Islam, the poll tax was imposed on

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31 See, for example, Lewis, *Islam*, vol. 2, 220–21, for an eighth- or ninth-century version of the Covenant of 'Umar discussing possible litigious situations between Muslims and non-Muslims

32 See, for example, the case of the Jewish partners in Istanbul who were dragged to court by a Muslim coin forger each time a new *kadı* was appointed. The never-ending lawsuit caused them a substantial financial loss (second half of the sixteenth century). (Rabbi Shelomoh ben Avraham HaKohen, *Responsa*, vol. 3 [Salonika 1594]: 63:67a-b.) See also ibid., 111:112b, a case about something that happened in an unnamed place. The Muslim plaintiff paid Muslim witnesses and won his case in the shari'a court

33 See, for example, two documents from 1595 referring to a sizable suit by a Jewish pearl dealer against the Vali of Basra (Gerber, *Economic and Social Life*, 101–103)

34 Rabbi Shemuel de Medina, *Responsa* (Lvov, 1868), *Even ha-'Ezer*, 311:5a. See also the interesting discussion on whether a Jew should be allowed to approach the Muslim court when he obviously had a good case and would get justice there. The responsum takes it for granted that in both Salonika and Istanbul, doing so would violate the norm against Jews turning to the shari'a court (ibid., *Hoshen Mishpat*, 391–92:70a–b). See also Rabbi Yom Tov Ẓahalon's statement at the beginning of the seventeenth century that the Jews of Istanbul were apt to use the shari'a court when money was involved (*New Responsa* [Jerusalem, 1980], 32:70).

35 See, for example, Rabbi Yosef Caro, *Responsa, Avqat Rokhel* (Leipzig, 1859), 72–73:44a–46a; H. Gerber, "The Jews and the Waqf in the Ottoman Empire" (in Hebrew), *Sefunot* 2, n.s., 17 (1983): 105–31.

36 Ibn Yahya, *Responsa, Tumat Yesharim*, 71:36b.

every male *zimmi* who was able to earn a living, from the time he reached puberty until he was around sixty or sixty-five years old. The sick and the insane were exempt from the tax. Taxpayers were categorized according to their assets as rich (*evlâ*), average (*evsat*), or poor (*edna*). The Ottomans held a survey (*tahrir*) of revenue sources, including *zimmi*s, at irregular intervals, depending on when they needed to generate more income and when they were able to conduct the count.[37] The Ottomans determined a total assessment for the Jewish community as a whole and submitted it to the community's representatives, who apportioned it among the congregations. At first, the representative may have been the judge of the Jews, the Leading Rabbi Mosheh Capsali; subsequently, the role was filled by the *kahya*[38] and later the *memunim*[39] of the congregations. Each congregation, after internal discussion, apportioned its share among its individual members.[40]

In addition to the poll tax, the Jewish community was required to pay three regular taxes and a number of irregular taxes. Most of them were levied on all *zimmi*s, while some of the irregular ones were also collected from Muslims. The regular taxes were the *ispence,* which had existed in the Balkans before the Ottoman conquest and was continued by the new rulers;[41] the *avarız*, a tax on immovable property paid by all *reaya* no matter what their religion;[42] and. the *rav akçesi*, another important regular tax paid by the Jewish community.

The *rav akçesi* was levied not only in Istanbul but also in several other Jewish communities in the empire (though not in all of them). The following discussion pertains to the payment of the tax.[43] In a later

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37 See the Ottoman tax registers cited in Table 1

38 From the Persian: *kethuda*, a warden of a guild or any organization. On the function of the *kahya*, see below, pp. 74–75.

39 Secular leaders. On their function, see below, pp. 77–80.

40 On Ottoman taxation methods in Istanbul and the arrangements within the Jewish community, see *EI*^{2}, s v. "djizya"; Gerber, *Economic and Social Life*, 130–31, and cf the sources in pp. 81–83 below.

41 H. Inalcik, "Osmanlılarda Raiyyet Rüsumu," *Beleten* 13 (1959): 602–609; *EI*^{2}, s.v. "Ispendje"; Gerber, *Economic and Social Life*, 36–37.

42 Gerber, *Economic and Social Life,* 89–90.

43 For literature on the *rav akçesi,* see J.H. Mordtmann, "Die judischen Kira im Serai der Sultane," *Mitteilungen des Seminars fur Orientalischen Sprachen* 22 (Berlin, 1929): 5, 8, 35; Galante, *Histoire,* vol 1, 121; vol. 2, 14–15; vol. 5, 338–39; B. Lewis, "The Privilege Granted by Mehmed II to his Physician," 554; idem, *Notes and Documents from the Turkish Archives* (Jerusalem, 1952) 27–28, 43; Epstein, *Ottoman Jewish Communities,* 56–58, 66, 68, 70, 72; Gerber, *Economic and Social Life,* 37, 90, 108–110; A. Shohat, "Taxation and Its Administration" (in Hebrew), *Sefunot* 11 (1971–77): 308–310, 312; L. Borenstein, "The Structure of the Rabbinate in the Ottoman Empire"

chapter, we discuss how the issues involved with this tax shed light on other issues connected with the status of the Leading Rabbi of the Jews of Istanbul, and on the juridical relations between the Ottoman state and the Jewish entity.[44]

When first levied, the *rav akçesi* may have been a tax paid by the Leading Rabbi upon his nomination; however, we do not have enough evidence about the initial relations between the Ottoman rulers and the Jewish leadership in Istanbul to do more than hypothesize about this.[45] What is obvious, though, is that at a certain point the *rav akçesi* became a global annual tax, *maqtu'*, fixed in relation to the total poll tax levied that year.[46]

From that moment on, the number of taxpayers and the amount of poll tax they paid were no longer of any consequence, at least until the Ottoman treasury decided to reassess both the poll tax and the other taxes.[47] The term *maqtu'* (fixed)[48] derives from the Arabic and means the opposite of *'al a ru'us* (per capita). According to the rules of classic Islam, the poll tax had to be assessed on a per capita basis, and this rule was followed in Istanbul in the fifteenth and sixteenth centuries.[49] The *rav akçesi* was paid by the community as a whole, although a specific individual, the Leading Rabbi or someone else, handed it over to the Ottomans.

(in Hebrew), in H.Z. Hirschberg, ed., *East and Maghreb* (in Hebrew) (Ramat Gan: Bar Ilan University, 1974), vol. 1, 233–35; Hacker, "'The Chief Rabbinate', in the Ottoman Empire in the 15th and 16th Century" (sic!) (in Hebrew) *Zion* 49 (1984): 240–43

44 For a detailed discussion of these issues, see below, pp. 66–76.

45 On these relations, the status of the Leading Rabbi, and the history of the office, see below, pp. 66–70, 200–201.

46 See Rabbi Shelomoh ben Avraham HaKohen, *Responsa*, vol. 2 (Venice 1592), 145: 184a–b; Medina, *Responsa, Hoshen Mishpat*, 364:60a–b.

47 See, for example, Yosef Caro, *Responsa, Avqat Rokhel*, 205:184a–b; Rabbi Mosheh mi-Trani, *Responsa* (Lvov, 1862), vol. 1, 181:17a–17b.

48 On the meaning of the term *maqtu'* in Ottoman administrative jargon, see Ö.L. Barkan, *Kanunlar* (Istanbul, 1943), vol. 1, 480 (see also according to the index); A. Cohen and B. Lewis, *Population and Revenue in the Towns of Palestine in the Sixteenth Century* (Princeton: Princeton University Press, 1978), 98–99; A. Cohen, *Jewish Life under Islam* (Cambridge: Harvard University Press, 1984), 21, 96; H. Inalcik, "L'empire ottoman," in idem, *Studies in Ottoman Social and Economic History* (London: Variorum, 1985), II, 101; idem, "Military and Fiscal Transportation in the Ottoman Empire, 1600–1700," ibid., II, 333–34. For a definition, see idem and D. Quataert, eds , *An Economic and Social History of the Ottoman Empire* (Cambridge: Cambridge University Press, 1994), 999.

49 On the way the poll tax was assessed and collected in Istanbul, see above, pp. 28–29. On the assessment and collection of the per capita tax, see especially Cohen, *Jewish Life under Islam*, 20–24.

The first dated evidence of payment of the *rav akçesi* is from July 4, 1480, when Rabbi Mosheh Capsali paid a certain sum of money for the *rav akçesi* and *metropolitan* of the Jews of Istanbul.[50] J.R. Hacker, who studied the subject of the chief rabbi in Istanbul, tried to explain why two different terms of office were mentioned. One possible explanation is that Capsali paid two kinds of taxes—the *rav akçesi* for the right of the Jews to have their own judicial system, and another tax for Capsali's own right to exercise his authority over the Jews of Istanbul, which was designated by the term *metropolitan* (the Greek expression for the highest religious authority in a certain place). However, Hacker tends to accept a different interpretation: that the Ottomans simply used the Greek word *metropolitan*, with which they were acquainted, to explain the word *rav*, meaning that the two terms referred to the same tax. He also points to the obvious fact that since the first dated payment was made in 1480, midway through Rabbi Capsali's tenure, this would indicate that these payments had already been standard practice in Mehmed the Conqueror's time and were not related to his nomination.[51]

We should take this a step further and look at the situation from the Ottoman point of view. At that time, the Leading Rabbi himself had been the contractor of his office; later on, the situation changed. An Ottoman document from the beginning of the sixteenth century discussed the financial affairs of the *kahya* Sha'altiel, or Salto, as he was called by the Ottomans. He was the chief contractor for all of the financial commitments and farming contracts held by members of the Jewish community in the last years of the fifteenth century and the first decades of the sixteenth century.[52] The document mentions a yearly sum of 200 *flori* (gold ducats) paid by the nominated rabbi of the Jewish community of Istanbul.[53] The fact that this sum appears in connection with Sha'altiel's financial obligations means that at that particular moment *he*, not the Leading Rabbi, was the contractor for that source of revenue. If there had previously been an initial phase in which the Leading Rabbi had paid a sum of money upon his nomination, then what started out as a method for leasing an imperial source of revenue paid by a functionary for the right to perform the duties of his office, had been

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50 Epstein, *Ottoman Jewish Communities*, 56–58.

51 Hacker, "The Chief Rabbinate," 241–42.

52 On the office of the *kahyalık* and the person, holding the office, see below, pp 74–75.

53 *Belgelerle Turk Tarıhı Dergısı* (Istanbul), vol. 3/16: 58. A Hebrew translation of the document was published by Gerber, *Economic and Social Life*, 81.

transformed into a global tax paid by the people who benefited from the existence of a judicial authority which they preferred to use. The contractor for the tax was chosen by the Ottomans as they deemed fit.

The term *metropolitan* mentioned in connection with Capsali's payment of the tax[54] calls for a comparison between the taxes paid to the Ottomans by the Greek Orthodox high clergy and those paid by the Jewish Leading Rabbi. Both cases involved minority groups whose religions were not the same as that of the state in which they lived. In both cases, the state needed to relate to their internal religious and judicial structures in a way that allowed it to maintain both its sovereignty and its economic advantages. Hacker compares the tax paid by the Greek clergy upon nomination, the *peşkeş* or *pişkeş* ("present" in Turkish) with the *rav akçesi.* He contends that, in spite of similarities, these were different taxes; the first was paid individually upon the nomination of the payer, while the second was paid as an annual fixed sum by the community as a whole[55] although contracted by an individual.

Our knowledge about the relationship between the Ottoman state and the Greek clergy has expanded since Hacker's research was published, and this helps us better understand the issue of the *rav akçesi.*[56] We now know that until 1465, the Greek Orthodox Patriarch did not pay anything to the sultanic treasury, and that he started paying the *pişkeş* upon his nomination that year in exchange for his patriarchal power of authority. In 1474 another tax was levied on the Greek Orthodox Patriarchate on top of the *pişkeş,* a yearly tribute called *maqtu'* or *haraç.*[57]

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54 See above, ref. 50.

55 Hacker, "The Chief Rabbinate," 241–42.

56 P. Konortas, "Considérations ottomanes au sujet du statut du patriarcat orthodoxe de Constantinople (XVe–XVIe siècles): quelques hypothèses," *Communications grecques présentées au Vème congrès international des études du sud-est européen, Sofia 30 Août–5 Septembre 1989* (Athens: Comité national grec des études du sud-est européen. Centre d'études du sud-est européen, 1990), 214–26; idem, "Les rapports juridiques entre le patriarcat orthodoxe de Constantinople et l'empire ottoman (1453–1600): problèmes d'approche," *Questions et débats sur l'Europe centrale et orientale* 4 (Paris: Groupe de travail sur l'Europe centrale et orientale, Maison des sciences de l'homme, Décembre 1985), 149–87; idem, "Les contributions ecclésiastiques 'patriarchike zeteia' et 'basilikon charatzion': Contribution à l'histoire économique du patriarcat oecuménique aux XVe et XVIe siècles," *Acts du colloque international d'histoire économies méditerranéennes, équilibres et intercommunications XIIIe–XIXe siècles* (Athens: Centre de recherches néohelleniques. Fondation national de la recherche scientifique, 1986), 217–55. I am indebted to P. Konortas for the insight I gained through my lengthy discussions with him on the relations between the Ottoman government and the Jewish community of Istanbul, directly after the conquest.

57 Konortas, "Considerations," 218–19; idem, "Les rapports," 159–60.

Here, exactly as with the poll tax, the term *maqtu'* meant that the tax was global and fixed. The connection between *haraç* and *maqtu'* is both puzzling and interesting. In Ottoman administrative jargon, *haraç* meant poll tax, equivalent to the word *cizye*. However, P. Konortas, who studied the relations between the Ottoman rulers and the Greek Orthodox Patriarchate in Istanbul, states that there was no connection between the *haraç* paid by the Patriarch of Istanbul and the poll tax.

By viewing the arrangements in the Greek Orthodox and Jewish communities in parallel, what we learn about one helps illuminate the other. The similarity which emerges is not between the *pişkeş* and the *rav akçesi*, but between the *maqtu'* or *haraç* as a tax paid by the Greek Orthodox Patriarch and the *rav akçesi*. We already know that the *rav akçesi* was a fixed sum, i.e., the *maqtu'* correlative to the poll tax paid in a certain year. We also know that the *rav akçesi*, at least from the year 1480, was paid on a regular basis like the *maqtu'* or *haraç* paid by the Greek Orthodox Patriarch. These similarities lead to the logical conclusion that the term *haraç* given to that payment by the Greek Orthodox Patriarch must have derived from the way it was computed in relation to the poll tax paid in the year in which it was fixed, just as it was computed for the Jewish community. The common feature shared by the taxes is the legal rationale on which they are based. Along with the *pişkeş*, both of these levies were meant, first and foremost, to emphasize the superiority of the Ottoman state over its non-Muslim subjects. Secondly, since the right of non-Muslims to have a judicial system of their own deprived the state of a lawful source of revenue, it was determined to get adequate compensation for this loss.

We are still left with the question of who initiated the *rav akçesi*. Did the Ottoman authorities decide upon it and impose it on the Jewish communities, or did the Jews ask for it in order to consolidate their right to their own judicial systeme?[58] It seems that this question would never have arisen except for the responsum written by Rabbi Shemuel de Medina in the case of the Jewish community of Salonika versus the descendants of the physician Ya'aqov (Hekim Yakub),[59] who had served as a personal physician to Mehmed the Conqueror and received a tax exemption for himself and his descendants in perpetuity. In his responsum, Medina referred to the *rav akçesi* and wrote as follows: "And that tax was called *rav akçesi*, meaning that because of it the Jews

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58 See the doubt expressed in Hacker, "Chief Rabbinate," 241

59 On Hekim Yakub, see below, pp. 201–203

were allowed by the king's order to have a Leading Rabbi of their own. And it is not known if the king had levied it on the Jews as one of the king's laws, or the Jews asked the king to have that rabbi and for that purpose they took it upon themselves to pay that second[60] tax."[61]

It seems highly unlikely that it was the Jewish community's idea to pay the tax, even in order to consolidate the right to its own judicial authority. This notion derives from the theory that because the Greeks had a patriarch recognized by the Ottomans, and paid for this right, the Jews decided that they should attempt to gain such recognition in the same way. However, we now know that Mehmed the Conqueror recognized Gennadios II as the Greek Orthodox Patriarch immediately after the conquest and exempted him from all payments, whereas the *pişkeş* was only introduced in 1465, and the *maqtu'* in 1474. These changes were instituted by the Ottomans, and this meant that they had definitely altered their policy towards the Greek Orthodox community. Until that time the Ottomans strived to consolidate their control over their Greek subjects of an obedient Eastern Church (as opposed to the Catholic Church, which they considered the church of the *harbis,* the enemies). From then on, the Ottomans looked on the patriarchate as a legitimate source of revenue, and used it as an exercise of their dominance.[62]

The Ottomans knew that the Jews used their own judges. Given their legal and administrative mindset, it seems highly unlikely that while taxing the Greek Orthodox Patriarch, they would ignore other non-Muslim judicial authorities. It also seems hardly a coincidence that the first appearance of the *rav akçesi* occurred so close to the imposing of the *maqtu'* on the Greek Orthodox Patriarch. Thus, a logical reconstruction of events would indicate that during this period (1474–1480), both the Greek Orthodox Patriarch and the Leading Rabbi became subject to the same annual taxation, imposed as both a symbol and an expression of the sultan's power and superiority.

But what happened between 1453 and 1480? Did Capsali pay a *pişkeş* upon his nomination, or was he exempted from it as was the Greek Orthodox Patriarch, at least until a certain time? This question remains unanswered.

The above discussion leaves a certain amount of doubt regarding the 1480 Ottoman document that mentions both the *rav akçesi* and the *met-*

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60 The first being the poll tax.

61 Medina, *Responsa, Hoshen Mishpat,* 364:60a.

62 Konortas, "Considerations," 219.

ropolitan. In light of the Greek experience, it no longer seems obvious that the word *metropolitan* is a synonym for *rav*. The other explanation makes more sense—that Capsali paid two taxes that year, the *metropolitan* (this was the *pişkeş*, although it was not labeled as such) and the *rav akçesi,* which paralleled the *maqtu'* or *haraç* paid by the Greek Orthodox Patriarch. Still, there is no way to be certain that this was the first time Capsali paid both taxes; he could have been asked to pay the *metropolitan* first, while the *rav akçesi* could have been added later.

The most oppressive tax burden on the Jews and others were irregular taxes, especially the *corvées*. In wartime, the Jews were compelled to provide the state with artisans or money for military purposes. They were obliged to supply flour or barley for the army in case of need (*nüzül*). Similar obligations included building fortresses with forced labor (*suhret*), lodging Ottoman officers on the road (*salgın*), driving cattle from Anatolia to Istanbul to supply the capital with meat (*celep*), and providing the services of butchers (*kassab*), refiners of precious metals (*tavan akçesi*), and so forth. The state's payment for this work did not cover the expenses, so the *corvées* were unbearable and led to the bankruptcy of many rich Jews. However, they weren't alone; Muslims and Christians also were arbitrarily subjected to such *corvées.*

In the middle of the sixteenth century, therefore, the Jewish community began making financial arrangements with the Ottoman administration to replace the *corvées*.[63] The replacement of such *corvées* with money is mentioned in a Hebrew document written in the winter of 1551. Its wording suggests that such replacements existed in earlier periods, at least ten to fifteen years before. The document mentions, in addition to the *salgın*, the following *corvées* as being replaced by global money payments from the community: *azap*, the *corvée* of serving in the imperial navy; *kürekçi*, the *corvée* of supplying a quota of oarrowers to the navy; *peksimet* (from the Greek), a kind of dry biscuit, probably supplied to the army; *eşfıya*, supplying medicines or medical care to soldiers or state officials; and a *corvée* named *peraḥim* (flowers), which might allude to something connected with gold foreign currency (the Venetian *ducat* with the symbol of the lily).[64]

From the 1560s onward the Jews used such arrangements in many situations, especially in regard to prohibited activities. They simply paid

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63 Refik Altınay, *Onuncu Asr-ı Hıcrıde Istanbul Hayatı*, 89, 92; ıdem, *Hıcrı On-Bırıncı Asırda Istanbul Hayatı* (Istanbul, 1933), 11

64 Medina, *Responsa, Hoshen Mishpat*, 370· 62b–63a

money to the state for the right to perform forbidden functions such as buying slaves,[65] thus turning the nullification of prohibitions into a new form of taxation, and making both *corvées* and arbitrary fines take on the role of regular taxes.

The Istanbuli Merchant Goes Abroad

There was a marked contrast between the status of Ottoman Jews within the borders of the empire and outside its confines. Within the empire, they were legally inferior to the Muslims, and their presence was tolerated on the basis of the shari'a and the magnanimity of the sultans. Although the Jews were the sultans' subjects and a coherent element of the Muslim state, they were second-class subjects in their home state. Outside the empire was another story.

When a Jew left a Christian ruler's domain, he lost all of the rights he had acquired from the ruler; his rights were *iure soli*, not *iure sanguinis*. The Christian state considered the Jews in its territory to be transient wanderers, tolerated on a very limited and temporary basis.

But for Ottoman Jews abroad, however, the situation was very different. The sultans regarded Jews who traveled outside the empire to be equal to Ottoman Muslims abroad. Not only did the Jews retain their rights, but the empire defended their interests while they were in Venice with the same commitment and efficiency as it defended those of its Muslims subjects while they were in *Dar al-Harb*.

A great deal of the trade between Christian Europe and the Ottoman Empire was aimed at satisfying the demand of luxury-hungry Istanbul. Since the capital's Jewish merchants played a major role in this commerce, the empire's sovereignty over its Jewish subjects abroad was a matter of great concern. It was only after the end of the war with Venice in 1541 that the Venetian Republic granted the *levantini* (easterners), as Italian speakers referred to Ottoman subjects, the right to reside and trade in Venice—a status similar to that of Venetian merchants who lived and traded in Istanbul.

These privileges, called *imtiyazat* in Turkish, were known in European diplomacy as capitulations. According to a Hebrew document of the time, the Venetians gave the *levantini* their special status "out of love and respect for the potentate of their land, who is greater and more powerful than all the kings of the earth." Jewish merchants from the

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[65] Gerber, *Economic and Social Life*, 120.

Ottoman Empire were given their own residential area in Venice: the Ghetto Vecchio.[66]

A key aspect of the empire's relationship with Venice was the Ottoman demand for mutual recognition of maritime rights without regard to the religion of the merchants. When Rüstem Paşa, the grand vizier, warned the Venetian authorities that infraction of the rules would lead to suspension of the Venetians' privileges in the empire, he referred not to the rights of Muslim merchants alone but to those of "subjects and merchants from the felicitous domain of my *padishah* (emperor)."[67]

The Venetians were surprised by this attitude. In 1560 the Venetian *bailo* in Istanbul, Marino Cavalli, expressed his concern over the decline in Venetian commerce in the city, which had been taken over almost totally by the Jews. He claimed that a distorted interpretation of the capitulations had enabled Ottoman Jews to ship merchandise on Venetian vessels as if they were Venetians; this, he said, could not have been what the Ottomans intended. He could not believe that the sultan would be concerned about the manner in which the Venetians treated Ottoman Jews, and suggested to the Venetian government that the Jews be deprived of their rights under the capitulations.[68]

However, the Venetian government did not take any action of this kind, because, among other reasons, the Venetians were not sure about the Ottomans' position in this regard. Indeed, where such families as the Nasis and de Seguras were at stake, the Ottomans made quite an issue about damage to their businesses.

Of great significance is the way in which these important businessmen cooperated with the highest echelons of Ottoman administration in order to protect their interests. The best course of action for a Jewish Istanbuli or Levantine merchant on Venetian soil whose business affairs were endangered was to turn his private commercial interests into those

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66 M. Rozen, "Strangers in a Strange Land. The Extraterritorial Status of Jews in Italy and the Ottoman Empire in the Sixteenth to Eighteenth Centuries," in A Rodrigue, ed., *Ottoman and Turkish Jewry* (Bloomington IN: Indiana University Press, 1992), 126–36; Rabbi Mosheh mi-Trani, *Responsa* (Lvov, 1862), vol. 2, 21·7b–8a.

67 Rozen, "Strangers," 136; T Gökbilgın, "Venedik Devlet Arşıvındeki Vesıkalar Külliyatında Kanuni Sultan Süleyman Devri Belgeleri," *Belgeler* 2 (1964). 161

68 Rozen, "Strangers," 136–37, E Alberı, *Relazıonı deglı ambasciatorı venetı al senato* (Florence, 1840), vol. 1, 274. On the role of the Jewish merchants in the relations between the Ottoman Empire and Venice and the economic and political background, see also B. Arbel, "Venice and the Jewish Merchants of Istanbul in the Sixteenth Century, in idem, *Trading Nations, Jews and Venetians in the Early Modern Period* (Leiden: Brill, 1995), 13–28.

of the sultan. This was done by the firm of Aharon de Segura, the *mültezim* (lessee) of the alum mines in Foça (western Anatolia). He was a relative of Don Yosef Nasi and one of the most important businessmen in the empire. His affairs in Venice were handled by the Venetian branch of the firm, a partnership of two Levantine Jews: his nephew, Yosef ben David de Segura, and Ḥayim Saruq. In the early summer of 1566, Ḥayim Saruq went bankrupt. The Segura family learned that a huge cargo of alum on its way to Venice was to be confiscated to cover his debts. They immediately made sure that the Ottoman authorities declared the goods to be sultanic property, and a long diplomatic crisis ensued.

The Venetian authorities declared that the affair was a private matter between Saruq and his debtors, on the one hand, and Saruq and the Segura firm, on the other hand. But the Ottomans insisted that it was a conflict between the two nations, and that Venice had detained the lawful property of the Ottoman Empire. In the course of the crisis, Grand Vizier Mehmed Sokollu intervened; the Venetian *bailo* and a special diplomatic envoy were humiliated and threatened with arrest; a special sultanic messenger (*çavuş)* was sent to Venice; and a special *ferman* was issued by Süleyman the Magnificent (one of the last he issued before his death). All these steps were taken on behalf of the de Segura family. Although it could be argued that the Ottoman functionaries and the sultan himself stood to gain if their efforts succeeded, it should be borne in mind that according to Ottoman political culture, there was no difference between the interests of the state and the private interests of its rulers (not just the sultan, but also his functionaries).[69]

Another action of the Ottoman Empire on behalf of its Jewish subjects on foreign soil involved the arrest, trial and burning of the Portuguese Jews in Ancona in 1555. When the Nasi family declared that their agents, who were Ottoman subjects, were among the prisoners, Sultan Süleyman the Magnificent urged the Pope to free them: "By doing so, you will make it possible for us to behave generously toward your subjects and toward other Christian merchants trading in this part of the world."[70] The currents and crosscurrents involved in the Ottoman intervention included a mingling of private and state affairs. Don Yosef Nasi

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69 Rozen, "Strangers," 137–38; Gerber, *Economic and Social Life*, 91; Arbel, "Venice and the Jewish Merchants," 13–28; idem, "The Pandora's Box of Hayim Saruq's Bankrupcy," *Trading Nations* (see ref. 68 above), 95–144.

70 Rozen, "Strangers," 141–43; G. Ruscelli, *Lettere dei principi* (Venice, 1581), 177–78.

was a lessee of many sultanic assets, so any loss to him would be a loss to the sultan. Since some of the Ancona prisoners were Nasi's agents, they could be considered Ottoman subjects; the fact that they might never have set foot on Ottoman soil would not be an obstacle in Ottoman eyes.

However, the Pope had a different view on the issue, which led to a tragic end for the Jews. Since there was no way to prove that they were Ottoman subjects, the effort failed. Nevertheless, the *levantini* in Ancona were unharmed and continued to reside and trade there freely, even though the only difference between them and the Portuguese Jews was that they had sojourned in the Ottoman Empire before settling in Ancona.[71]

To sum up: although the Jews in the empire were, in principle, second-class subjects, the Ottoman government's pragmatic attitude created a reasonable basis for their lives. In contrast to the Christian states where Jews were simply tolerated and their rights were only *iure soli*, the Ottoman Jews had *iure sanguinis* rights which put them under the sultan's protection even when they were abroad. The status of the Jews in Istanbul, who were closest to the seat of power, was even more favorable than those in the rest of the empire. They enjoyed the advantages that derive from physical proximity to the rulers, which enabled them to strengthen their status in foreign lands by using the Ottoman tendency to see private interests and state interests as one.

How the Jews of Istanbul Related to the Ottoman State

A number of historians have addressed the question of how the Jews of the Ottoman Empire perceived the state during the many generations of Jewish existence under the Crescent and the Star. Their consensus is that the Jews regarded the empire as a safe haven in a hostile Christian world, and viewed its rulers as benevolent kings; hence, the Jews were willingly loyal to the Ottoman state and the Ottoman rulers.[72] From an

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71 Rozen, "La vie économique," 331–32 and bibliog. in the notes. For more on this affair, see below, pp. 97–98.

72 See bibliography in J.R Hacker, "Ottoman Policy toward the Jews and Jewish Attitudes toward the Ottomans during the Fifteenth Century," in B. Braude and B. Lewis, eds., *Christians and Jews in the Ottoman Empire*, vol. 1, 124, ref. 1. See also more recent works by A. Levy, *The Sephardim in the Ottoman Empire* (Princeton: The Darwin Press, 1992), 19, 21; S.J. Shaw, *The Jews of the Ottoman Empire and the Turkish Republic* (New York. New York University Press, 1991), 25–36.

overall perspective of Ottoman Jews as a whole over the course of centuries, this picture may well be reasonably accurate.

But if we break it down geographically and temporally, will we find that Jewish attitudes were the same everywhere in the empire at every time during Ottoman rule? The answer is negative. Two papers by J. Hacker deal in part with Jewish attitudes toward the Ottoman Empire during the fifteenth century.[73] The conclusions are very telling and exemplify the need for further research.

Hacker researched Romaniot-Jewish sources describing the *sürgün* of the Romaniot communities of Anatolia, the Balkans and the Greek islands from 1455 onward.[74] His findings contradict the picture usually drawn by historiography—including Rabbi Eliyahu Capsali's rosy version of events that followed the conquest of Constantinople, written some seventy years afterward. The Greek-speaking Jewish residents of places such as Edirne and Karaferye (Veria) expressed sharp criticism of the forced resettlement; their view of the Ottomans was no different from their view of Gentile rulers under whom the Jews in these parts of the world had lived for generations. At the same time it should be remembered that the system was applied to Ottoman subjects of all religions, including Muslims, and no one was delighted to be transferred from home, no matter where to.

On the other hand, Eliyahu Capsali's description of the *sürgün* lacks the negative elements in the Romaniot accounts. Capsali was the source of one of the most widespread myths concerning Jewish-Ottoman relations: that Bayezid II actually invited the Spanish expellees to dwell under his protection, and ordered all his subjects and functionaries to welcome the refugees.[75] No document on the subject has been found in any archive, and no other historical source prior to Capsali had told this fanciful tale. Capsali wrote his history about thirty years after the expulsion; he lived outside the Ottoman realm, in Venetian-dominated Crete, and was under the impression that the empire was practically the only place on earth where the expellees were accepted without much trouble. The result was that negative echoes of the *sürgün* were silenced or forgotten, the absorption of the expellees was emphasized, and a positive image of the Ottomans formed in the Jewish collective mem-

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73 Hacker, "Ottoman Policy"; idem, "The Sürgun System," 1–65.

74 Hacker, "The Sürgün System," 17.

75 Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta,* eds. M. Benayahu, S. Simonsohn and A. Shemuelevitz (Jerusalem, Tel Aviv University & Ben-Zvi Institute, 1976), vol. 1, 213, 218, 239.

ory. Capsali's account has been the basis for several enthusiastic descriptions of the circumstances surrounding the creation of the Romaniot community in Istanbul and the arrival and settlement of the Spanish expellees.[76]

According to a number of historians who based their conclusions on Capsali's description, the Ottomans accepted the expellees readily because of pragmatic economic considerations: they knew that they could profit by absorbing the refugees. This evaluation was not based on explicit Ottoman sources, but was nourished by the self-perception and self-esteem of the expellees and their descendants, and by the accounts of European travelers who wanted to emphasize the Jewish contribution to the success of the enemies of Christianity.[77]

The Ottomans did not object to the immigration of non-Muslim foreigners if they began paying the poll tax a year after their arrival, and if they did not do anything against the welfare of the Ottoman state, its subjects, its interests or the Muslim religion. All these requirements correlated with the shari'a. Until proven otherwise, every such foreigner was considered to be well-meaning and was welcomed—Jews included. Such acceptance was an extremely exceptional experience for the Iberian Jews, which is why they felt that they had found a haven from a hostile world.

The Jewish sources of the period reveal an interesting pattern. The main expressions of Jewish appreciation for the Ottoman Empire are found in the writings of scholars of Iberian origin. The most important of these was Rabbi Shemuel de Medina, who was born, lived and died in Salonika. Medina, one of the greatest rabbinical authorities of the

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76 Rabbi Yosef Sambari, *Sefer Divrei Yosef*, ed. S. Shtober (Jerusalem: Ben-Zvi Institute, 1994), 248, 252–53, 257. See discussion in J.R. Hacker, "The Chief Rabbinate," 227, refs. 7–8; idem, "The Sürgün System," 6–8. For historians following both Capsali and Sambari on the subject of the *surgun* and the absorption of the Spanish expellees, see A. Danon, *Yosef Da'at* (Edirne, 1888), vol. 1, 14; vol. 4, 57–58; Rozanes, *History of the Jews*, vol. 1, 21–22, 44, 60; Galante, *Les Juifs*, vol 1, 119–20, 123; Levy, *The Sephardim*, 6. Although the *surgun* and its negative meaning are diminished in this research, the author presents in vivid colors the final product of the encounter between the Spanish expellees and the Ottoman state, as crystallized in the nineteenth century (ibid., 1–3), and evaluates in a more balanced way the Jewish-Spanish settlement. An enthusiastic description in Danon's, Rozanes's, and Galante's style will be found in Shaw, *The Jews*, 29–34

77 See, for example, Levy, *The Sephardim*, 21–28; Shaw, *The Jews*, 29, 31, 33, Benbassa and Rodrigue, *Les juifs*, 66. For an example of a west European evaluation of the Jewish contribution to the empire, see Nicolaus de Nicolai, *Navigations et pérégrinations Orientales* (Lyon, 1568), 149. Cf. Capsali, *Seder Eliyau Zuta*, vol. 1, 240.

sixteenth century, expressed his views of the empire and its rulers on many occasions. Living in the lands of Christendom, he said, meant living in a place of subversion, a place where the Torah could not be learned, a place in which one endangered one's faith and even one's life. In the Ottoman Empire, on the other hand, one could live under the wings of the holy presence (*Shekhinah*); it was a place of Jewishness where the rulers were benevolent and just. But what should a Jew do when he sees another Jew committing an offence under Ottoman law (for example, clipping the edges of coins)? Should he hand over the transgressor to the authorities? After all, criminal deeds are detrimental not only to the state but also to the entire Jewish community, which would be slandered as a band of coin-clippers and forgers! According to Medina, although coin-clipping was criminal and despicable, a Jew could not turn in a fellow Jew to the Ottomans even though the authorities were righteous and just. Thus, even in the mind of a very pro-Ottoman rabbi, a Jew's allegiance was first and foremost to the Jewish community; the empire came second.[78]

Another rabbinical authority of the period was Rabbi Yosef Ibn Lev. He had been active for many years in Salonika, but after a series of personal disasters he accepted Doña Gracia Nasi's invitation and moved to Istanbul to head the house of study she had founded there. Ibn Lev was asked whether a Jew "who had love with the viziers [sic!]" should use his influence to free a fellow Jew from the obligation to serve as a *sarraf*—an operator of the silver mines in Siderokapısı, near Salonika. (The word "love" in this context meant relations of mutual interest, which enabled the parties to ask favors of each other—so the person who approached Ibn Lev was in a position to help a fellow Jew.) Since the *sarrafs* were often beaten for failing to produce the required amount of coins, the work was very dangerous to the extent of endangering one's life.

The dilemma was that the operation of the mines was a *corvée* on the Jewish community of Salonika as a whole; if one person was freed from the task, another Jew would be taken. Ibn Lev responded that the man should not use his influence, because the blood of one Jew was not redder than another's. He concluded: "[what is the meaning of] a buffalo in a net? Since he fell into the net, there is no pity on him. So it is with

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[78] Medina, *Responsa, Yoreh De'ah* 124:6a. See also ibid., *Oraḥ Ḥayim*, 5:2b. For a discussion of Medina's evaluation of the Ottoman state, see Rozen, "Strangers," 125–26 and ref. 7. See also Levy, *The Sephardim*, 19, and refs.

Israel; since they fell into the net of the Gentiles, there is no pity on them." This rare reflection on the relations between the Jews and the Ottoman state was written in the same period as Medina's responsum, likewise by a scholar of Spanish origin. Like Medina, Ibn Lev made a clear distinction between "them" (the authorities) and "us" (the Jewish entity). Although there was a Jew who had "love with the viziers," the whole concept of "them" was that of an alien and even hostile entity—and a Jew should be very careful when dealing with it.[79]

An important source which contributes a great deal to our understanding of this issue is *A History of the Ottoman Kings*, written by Rabbi Mosheh Almosnino during his mission to get a new tax arrangement for the Jewish community of Salonika.[80] It is actually three different books, written during the three different periods of his stay in Istanbul and dealing with three different subjects. The first two parts hold the greatest interest for us.[81] In part one, written in December 1566, Almosnino tells of Sultan Süleyman's death (September 6, 1566) during the siege of the town of Siget in Transylvania, his funeral (November 22, 1566), and Sultan Selim's accession to the throne (December 5, 1566). He describes several events that occurred upon Sultan Selim's accession and the graces he bestowed on his friends, including Don Yosef Nasi. This part incorporates a list of the Ottoman kings.[82] Four months later, in April 1567, during the Muslim holidays, Almosnino wrote the second composition, "a kind of history" in which he described Sultan Süleyman's reign.[83]

Almosnino spent most of his time at the sultanic court, or among Jews close to the highest echelons of the Ottoman administration. He could see with his own eyes the flaws of the Ottoman government and the devious methods it was necessary for Jews to use to get justice. His book was intended for a circle of close friends (mainly in Salonika, but also in Istanbul) who wished to understand how the Ottoman state operated in order to better plan their political steps; he himself did not gain anything from what he wrote. He was interested in everything—Sultan

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79 Ibn Lev, *Responsa*, vol. 2, 40:108–109.

80 Ambrosian Library in Milan, 126 (SUP) (35), microfilm in the Institute for Photographing Hebrew manuscripts, National and University Library in Jerusalem, 12037. For further bibliography see M.Z. Benaya, *Mosheh Almosnino of Salonika. His Life and Work* (in Hebrew) (Tel Aviv: Tel Aviv University, 1996), 150, ref. 4

81 For the third part—*Extremos y Grandezas de Constantinopla*—see below, p. 64, ref. 8.

82 *History of the Ottoman Kings*, 1–50.

83 Ibid., 51–164.

Süleyman's wars; the structure of his armies and navy; the identity and merits of his commanders and officers; the administrative structure of the empire; the court plots and intrigues; the construction of mosques, hospitals and the *imaret* (a complex of religious and welfare institutions) of the Süleymaniye; the study of science; the identity of the students; demographic trends, and so on.

The entire "history" is full of admiration for Süleyman's wisdom and statesmanship, as well as his attitude toward his subjects, both Muslims and non-Muslims. Almosnino's introduction of Sultan Selim's reign starts with Sultan Süleyman's last battle and his death. The Jewish blessing for the dead is attached to the name of the deceased sultan, which is very rarely done for those who are not Jewish: "Our great master Sultan Süleyman, may his memory live forever."[84]

Almosnino also describes Sultan Selim in a favorable light—as a wise, prudent, self-confident and well-balanced statesman who demanded investigations into complicated matters, consulted with his friends and advisers, and then made his own decisions. The sultan demanded loyalty, love and obedience; he bestowed his grace not only on people who were close to him, but also on those who were not. All of his actions were intended to enhance the well-being of the state and the rule of justice, which was why he had a positive attitude toward Jews and Christians.

Although Almosnino was essentially a Salonikan, the Jewish Istanbuli environment was an important factor in shaping his views of the empire. Jewish courtiers escorted him daily in his contacts with the Ottoman government and introduced him to the delicate intricacies of dealing with the authorities. To increase his knowledge of the Ottoman dynasty, he asked an Istanbuli friend "who is very knowledgeable and fluent in the Turkish language and the Turkish script to translate for me their chronicle called *Tevarih-i Osman* [Ottoman History]."[85] Thus, his writing was influenced by his connections with Istanbuli Jews who were very pro-Ottoman and familiar with the empire's governmental machinery and culture.

The title pages of Hebrew books printed in Istanbul provide another look into Jewish Istanbuli relations with the Ottoman rulers. In almost every such book published since 1504, when Hebrew printing began there, the title page contains the following words: "completed on [date],

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[84] Ibid., 1.
[85] Ibid., 32.

here in the great city of Istanbul under the reign of Ishm'a'el, the great king sultan [name], may he live forever, may the Lord be his helper, and his kingdom be exalted forever, amen."[86] Another formula ends with: "In his times and in ours Judea will be redeemed and Israel shall live peacefully."[87] It could be argued that these are meaningless formulas and do not attest to anything, or that they reflect a desire to gain the good will of the authorities. But the Ottomans were totally uninterested in what was being published by the *zimmis*, and very probably did not even realize that such inscriptions appeared in the books. Moreover, none of the Hebrew books printed in Venice in that period included similar inscriptions in praise of that city or its Doge.

In the colophon of the responsa of Rabbi Yiẓḥaq Bar Sheshet (Istanbul, 1556) the publisher, Shemuel HaLevi, wrote: "The book was completed at the end of the month of Elul in the year 5307 [September 1556] in Istanbul, the fine city, the city of a great king, a faithful shepherd, our master the Sultan Süleyman, may his splendor be exalted, and his honor grow, and in his times and ours may Judea and Israel be redeemed and may the redeemer come to Zion." In Jewish tradition the faithful shepherd is Moses, who led his people in the wilderness for forty years and finally brought them to the gates of the Promised Land. The passage is part of a very lengthy colophon, and the chances that anyone besides a Jewish student of law would have seen it are very slim.

It is simply what it appears to be: an enthusiastic declaration of gratitude to the sultan, expressing the hope that he was the herald of redemption. Sultan Süleyman was the first Ottoman sultan in whose honor a special poem was written in Hebrew. This poem, which the Istanbuli poet Shelomoh ben Mazal-Tov (d. 1545) dedicated to Süleyman, is entitled "For the King May His Splendor Be Exalted." It begins with the words: "Oh God hidden from our sight / Living and benevolent God / may he live forever / the Great King, Sultan Süleyman."[88]

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86 Rabbi Ya'aqov ben Asher, *Arba'at ha-Turım* (Istanbul, 1504), in the colophon; Rabbi Yiẓhaq Alfasi, *Halakhot* (Istanbul, 1509), vol. 2, at the end of the book. For more examples, see A. Ya'arı, *Hebrew Prıntıng at Constantınople* (ın Hebrew) (Jerusalem, 1967).

87 See, for example, Rabbi Yeshu'ah ben Yosef HaLevi, *Halıkhot 'Olam* (Istanbul, 1510).

88 See H. Shirman, "A Collection of Poetry from Turkey in the National Library" (in Hebrew), *Qıryat Sefer* 12 (1935–1936): 393; T. Be'eri, "Shelomo Mazal-Tov and the Beginning of Turkish Influence on Hebrew Poetry" (in Hebrew), *Pe'amım* 59 (1994): 68–69. See also below, p. 284, ref. 22.

The last book published in Sultan Süleyman's reign was *Sefer Yoḥasin* (Book of Pedigree) by Avraham Zakut; it was printed in 1566, a few months before Süleyman's death during his campaign in Hungary: "[the book was printed] here in Istanbul, the city of a great king, our master the mighty king Sultan Süleyman, may the Lord bring him back here in peace and without obstacles, and may the Lord cause all his enemies to be defeated by him, and may he be successful in everything he does . . ." Undoubtedly, these wishes express the true feelings of people who appreciated the good life they had in the times of a sultan such as Süleyman. His Muslim subjects felt the same way and gave him the name *kanuni* (the lawgiver).

A final Istanbuli source reveals more on this issue. It was written in 1556 by Rabbi Yehoshu'a Ẓonẓin, the *ḥakham* (rabbi) of a Spanish congregation in Istanbul and a descendant of a renowned Italian family that had established a printing house in Istanbul. Its importance lies not in what it contains but in what it lacks. When the Nasi family banned trade with the city of Ancona after the papal authorities burned the Portuguese Jews there in 1555, Ẓonẓin wrote about his disagreement with the ban. Among other things, he reproached the coerced converts who had left Portugal for having settled in Italy or other Christian countries rather than in "a place of Jewry." He could have written something more explicitly in favor of the Ottoman state as a destination and haven; the situation certainly called for it, especially after the Ottomans had made diplomatic efforts to save the prisoners. Nevertheless, Ẓonẓin did not write anything of the sort.[89] To feel gratitude to the extent of expressing it in print, one apparently has to taste persecution in a very personal way.

To summarize Jewish Istanbuli attitudes toward the Ottoman sultans from 1453 to 1566: the Romaniot exiles were bitter over their forced dislocation by the Ottomans, a sentiment that persisted at least until the 1480s and probably resulted from their Greek-oriented culture. In contrast, the Iberian Jews, realizing that the Ottomans had given them something that nobody else would, felt grateful; this led to the myth that the expellees had been invited by the Oṭṭomans. In their political behavior and in their values, the Jews of Istanbul tended to express their gratitude, especially if they were of Iberian origin. Nevertheless, when the interests of the state conflicted with those of the Jewish community, the interests of the Jewish community usually took precedence.

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[89] See below, pp. 97–98.

CHAPTER THREE

IMMIGRATION AND THE MAKING OF A COMMUNITY

THE ROMANIOTS

Forty years elapsed between the Ottoman conquest of Istanbul in 1453 and the beginning of Iberian Jewish immigration to the city. Some of the most important features of Jewish life in Istanbul were established during this period, forming the basis for the development of the city's Jewish community.

Sultan Mehmed II, "The Conqueror," saw a symbolic meaning in his conquest of the former capital of an empire. He turned Istanbul into the capital of *his* empire—this time a Muslim empire, ruled by the Ottomans. One of his immediate goals was to repopulate and rebuild the empty city. For that purpose, Mehmed started moving people to Istanbul from other territories under Ottoman rule. This transfer policy was called *sürgün*, after the Turkish word for "those who were exiled." The *sürgün*, who came from all religions and social classes, also had the economic qualifications needed for reviving the capital.[1]

The Jewish transferees came from many settlements in areas which are now in Greece, Macedonia, Albania, Bulgaria and Turkey. The transfer totally changed the map of the Jewish communities in the Byzantine period. All of the Jewish communities in Asia Minor vanished through the deportation of their entire populations to Istanbul. Some of the Jewish settlements in Greece, Macedonia, and Bulgaria similarly disappeared, while others were diminished.

The *sürgün* were brought to Istanbul over a period of some twenty years. Almost all of them were Romaniots, Greek-speaking Jews with a

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[1] Inalcik, *The Ottoman Empire*, 141–45; idem, "L'empire ottoman," 85; *EI*², s.v. "Istanbul." *Islam Ansıklopedısı*, s.v. "Istanbul." H. Lowry, "From Lesser Wars to the Mightiest War: The Ottoman Conquest and Transformation of Byzance Urban Centers in the Fifteenth Century," A. Bryer and H. Lowry, eds., in *Continuity and Change in Late Byzantine and Early Ottoman Society,* (Birmingham and Washington· University of Birmingham and Dumbarton Oaks, 1986), 261–74; Hacker, "Ottoman Policy," 118–21, 124–25; idem, "The Ottoman System of Sürgün and Its Influence on the Jewish Society in the Ottoman Empire" (in Hebrew), *Zion* 55 (1990): 27–59 and references there; idem, "The Sürgün System," 1–23.

common culture. Their name derives from their origins—Rome being the self-perception of the Byzantines, and Rum being the name of Byzantium in the Turkish language—although almost all aspects of the empire, including the culture, were Greek-oriented, not Roman.[2] The Romaniots included descendants of Jews who had immigrated to the Byzantine territories in earlier times from the Near East, Italy and other areas.[3]

The Romaniots paid taxes to the *vakıf* of Sultan Mehmed II. The major drawback of their special legal status was that they were forbidden to leave Istanbul, and the Ottoman authorities took special steps to keep them there; *sürgün* who tried to maintain economic interests in their former homelands found it difficult to do so.[4]

Nevertheless, not all of the *sürgün* remained in Istanbul. Ottoman records of Jewish revenue farmers show that some *sürgün* returned to the Balkans in the 1470s in the course of their economic activity, with the full knowledge and permission of the Ottomans.[5] This evidence is corroborated by Rabbi Shelomoh HaKohen, who wrote a responsum in 1591 describing a problem in Gelibolu:

> A small town, and the people of this town are one congregation, and in it are some ten Romaniot *surgun* in Qostandinah from the time of Sultan Mehmed, and they are among those written in the register of the king, may he be exalted, and there [in Istanbul] they pay all sorts of taxes and heavy *corvées, the burden of king and princes*, each one of them in his congregation, since in accordance with the [poll] tax they pay all sorts of *corvées—avarız, peksimet* and *salgın*—and all sorts of payments which are burdened on them, and there is no rescue because this is the word of

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[2] B. Lewis, *Istanbul and the Civilization of the Ottoman Empire,* 14, 43–44; R. Krautheimer, *Three Christian Capitals Topography and Politics* (Berkeley, Los Angeles, London: University of California Press, 1983), 41–68. See also Ibn Yahya, *Responsa, Tumat Yesharim,* 152:48b: "We are here in Qostandinah — a big metropolis of Rome "

[3] The names Mizrahi and Yerushalmi point to an oriental origin. The *piyutim* of Rabbi Eli`ezer HaQalir in the *mahzor* of the Romaniots point to an Ashkenazi influence (D. Goldschmidt, "The *Mahzor* Romania" [in Hebrew], *Sefunot* 8 [1964]: 210). While we know of Jews of Italian origin in fifteenth-century Istanbul, the Ottoman registers contain no evidence of such a congregation prior to the expulsion. Cf. Rabbi Yosef Colon, *Responsa* (Venice, 1519), 83:84b, 86:88a with Epstein, *Ottoman Jewish Communities*, 178–80, and the discussion in Hacker, *The Jewish Community of Salonika*, 81–84. Note that the members of pre-expulsion congregations, including the Ashkenazim, appear among the *surgun* in the list in Epstein's book. This indicates that until the expulsion, other non-Romaniot immigrants joined existing congregations, but retained their special identity for some purposes. See also Benayahu, *Rabbi Eliyahu Capsali*, 27–30.

[4] Rabbi Yosef Taitaẓaq, *Responsa*, ed. M. Benayahu (Jerusalem, 1987), 57:219–22.

[5] Epstein, *Ottoman Jewish Communities*, 111–14.

> the king to whoever is written in that *vakıf*, he will pay the *corvées* of the kingdom according to the tax called *karga demalka* [*haraç* of the king = the poll tax].[6]

The Jewish residents of Gelibolu who had settled there after the expulsion from Spain asked the Romaniots to share in the expenses of the community. The Romaniots refused, saying that they paid their taxes in Istanbul. This indicates that *sürgün* could obtain formal permission to return to their native towns or to leave Istanbul in order to settle somewhere else, if it was in the interest of the empire and their taxes continued to be delivered to the *vakıf* of Sultan Mehmed II. The Hebrew document also alludes to the possibility that the taxes paid by the Romaniots were higher than those paid by the *kendi gelen*, at least during the time when the *kendi gelen* still paid their taxes to the central treasury and not to the *vakıf*.

THE SPANISH EXPELLEES

When the Jews were expelled from Spain in 1492, many headed toward the Ottoman Empire while approximately 120,000 crossed the border and settled in Portugal. Since the expellees had a choice between converting to Christianity or leaving Spain without their belongings, their emigration was a clear indication of a common characteristic: an adherence to Judaism.

The first expellees appeared in Istanbul at the end of the summer of 1492. Others arrived later after interim stops in Italy and North Africa. They were followed by their brethren who were expelled from Sicily and southern Italy. All suffered cruel experiences on the way. Most of them had been robbed by greedy seamen; many were sold into slavery; women were raped. Hardly anyone reached the shores of the Golden Horn with his nuclear family intact.[7]

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6 Rabbi Shelomoh ben Avraham HaKohen, *Responsa*, vol. 2 (Venice, 1592), 145:103b–105b. *Avarız* is a general term for an extraordinary levy. For the other *corvées*, see above, p. 33.

7 On the settlement of the first expellees in Istanbul, see Rozanes, *History of the Jews*, vol. 1, 60–62. On the number of expellees who arrived through 1497, see ibid., 62, ref. 55. According to Rozanes's estimate, some 7,000–8,000 immigrants entered the empire during that period, which means that 2,000–3,000 would be a reasonable estimate of the number that reached Istanbul. We do not know how many remained in the city and settled there permanently. See also pp. 50–52 below. On the influx of Iberian Jews to the Ottoman lands, see Rabbi Yiẓhaq Abravanel, *Commentary on the Book of Ezechiel* (in Hebrew) (Pesaro, 1520), chap. 20; and Rabbi Eliyahu Capsali, *Seder Eli-*

In 1497, Portugal began the forced conversion of Jews without giving them the option of emigration. Presumably, the 120,000 who had arrived from Spain five years earlier had no intention of changing their religion. Some of them managed to escape and reached the Ottoman Empire in a second wave of immigration from the Iberian Peninsula.

Those who stayed in Portugal created a community of New Christians under duress; they looked for an opportunity to move to a place where they could practice their Judaism openly. In 1506, after riots in Lisbon against the New Christians, they were given permission to travel. Many of them took advantage of this opportunity to leave for places outside Christian lands, with Istanbul being one of the most important destinations, and the flow of immigration from the peninsula surged again.[8]

In 1521, the grace period granted to the would-be immigrants in Portugal ended; those who did not use the opportunity to leave the country were regarded by many of their brethren in the Ottoman lands as having accepted their Christianity not only *de jure* and *de facto*, but also emotionally. Apparently, therefore, the Iberian immigrants to Istanbul between 1492 and 1521 were motivated by strong religious feelings more than anything else.[9]

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yahu Zuta, vol. 1, 218. On the tribulations of their wanderings and the fortunes of their families, see Shelomoh Ibn Verga, *Shevet Yehudah*, ed. A. Shohat (Jerusalem: Bialik Institute, 1947), 120–25; J.R. Hacker, "Pride and Depression: Polarity of the Spiritual and Social Experience of the Iberian Exiles in the Ottoman Empire" (in Hebrew), M. Ben-Sasson, R. Bonfil and J.R. Hacker, eds., in *Culture and Society in Medieval Jewry Studies Dedicated to the Memory of Haim Hillel Ben Sasson* (Jerusalem: Zalman Shazar Center, 1989), 2–68; idem, "The Sephardim in the Ottoman Empire in the Sixteenth Century: Community and Society" (in Hebrew), H. Beinart, ed., in *Moreshet Sepharad The Sephardi Legacy* (Jerusalem: The Magnes Press, 1992), 472–73.

[8] On the fortunes of the refugees who went to Portugal in 1492, and the rest of Portuguese Jewry in the last years of the fifteenth century and the first years of the sixteenth century, see Hacker, "Pride and Depression," 543–44; I. Tishbi, *Messianism in the Time of the Expulsion from Spain and Portugal* (in Hebrew) (Jerusalem: Zalman Shazar Center, 1985), 24–30; M. Benayahu, "The Sermons of Rabbi Yosef b. Meir Garson as a Source for the History of the Expulsion from Spain and the Sephardi Diaspora" (in Hebrew), *Michael* 7 (1981): 47–48, 132–33, 143, 180; Ibn Verga, *Shevet Yehudah*, 120, 125; Z. Buaron, *The Expulsions from Spain and Portugal as Reflected in Rabbi Abraham Saba's Commentaries (14741516)* (in Hebrew) (Jerusalem: The Biblical Institute for the Promotion of Original Scholarship of the Lifshitz College, 1993), 35–46, 56.

[9] Benayahu, "Sermons of Rabbi Garson," 135, 143–44, 149–50, 192–93; Tishbi, *Messianism*, 33–52; Hacker, "Pride and Depression," 545; Ibn Verga, *Shevet Yehudah*, 122.

IMMIGRATION FROM PORTUGAL AND CHRISTIAN LANDS

Another wave of immigration from Portugal reached Istanbul between 1536 and 1560. Large numbers of New Christians had been considering the possibility of leading a double life or even leaving the Jewish community altogether, but the start of a national inquisition in Portugal in 1536 convinced many that this would not be possible. They emigrated to Christian lands, where they lingered for several years before ending up in the Ottoman Empire; again, Istanbul was a popular destination.

Their motive was not necessarily an allegiance to Judaism; the Inquisition persecuted them on racial as well as religious grounds. Consequently, many of them left the Iberian Peninsula not in order to live openly as Jews, but to escape the constant harassment of an Inquisition aimed at all New Christians regardless of whether they were faithful to their new religion. They came to Istanbul after decades of living as Christians, imbued with the culture of Christian Europe and having strong ties to their former cultural, economic and political world. All of them left families and friends behind in the "world of idolatry."[10]

THE ASHKENAZI JEWS

The Sephardization of the Jewish Istanbuli community in later generations obscured the existence of an Ashkenazi group in the city. These were Jews who had been expelled from Germany in the second half of the fifteenth century. When the Spanish Jews reached Istanbul, they found the Ashkenazim already residing there.[11] Although the Ashkenazim had come of their own free will, the Ottomans treated them the same way they treated the Romaniots, regarding them as *sürgün*. During the sixteenth century, however, when the influx of Iberian Jews led to the separation of *sürgün* from *kendi gelen* and more Ashkenazim arrived, the Ashkenazi congregations were transferred to the category of *kendi gelen*. Thus, all of the Jews who migrated from Christian lands to Istanbul belonged to the category of *kendi gelen*.[12]

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10 On the founding of the Inquisition in Portugal, see Simonsohn, *The Apostolic See and the Jews*, 318–27. On the Portuguese immigrants and their mentality, see M. Rozen, "Collective Memories and Group Boundaries: The Judeo-Spanish Diaspora Between the Lands of Christendom and the World of Islam," *Michael* 14 (1997): 35–52, and especially 45–52.

11 Rozanes, *History of the Jews*, vol. 1, 238–62; Benayahu, *Rabbi Eliyahu Capsali*, 26–41; Epstein, *Ottoman Jewish Communities*, 20–22.

12 Hacker, "Ottoman System," 69–72. Compare with p. 14–15 above and pp. 49–53 below.

CHAPTER FOUR

DEMOGRAPHICS

Demographic trends in the Jewish population of Istanbul can be estimated by extrapolating from the data in the Ottoman poll-tax registers (*cizye defterleri*), which listed males who had reached puberty and were capable of making a living. The populations in various years from 1478 through 1688, shown in table 1, are based on the assumption that each male on the tax registers represented one household and that each household had five members. Assuming further that 20 percent of the able-bodied men in the city escaped the eyes of the tax authorities and were not listed in the registers, the totals are adjusted upward by 25 percent in the last column.

A considerable margin for error should be taken into account. Estimates of family size in the empire in that period vary from three to seven members per household.[1] Our chosen multiplier of five assumes that not all male names actually represented a family; in addition to declared bachelors, at least some were single males between thirteen and eighteen who still lived with their parents but were already subject to taxation. The evidence indicating a high birth rate is balanced by the evidence showing high rates of infant mortality, miscarriages and an inability to conceive.[2]

The assumed tax evasion rate of 20 percent follows the calculation made by A. Cohen for the Jerusalem community in the same period.[3] Like Jerusalem, Istanbul was a point of transit for many people, which

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[1] Ö.L. Barkan "Research on the Ottoman Fiscal Surveys," in M.A. Cook, ed., *Studies in the Economic History of the Middle East* (Oxford: Oxford University Press, 1970), 168, used the coefficient of five members per household. L. Erder suggested lower numbers, between three and four members per household (idem, "The Measurement of Preindustrial Population Changes: The Ottoman Empire from the Fifteenth to the Seventeenth Century," *MES* (1975): 284–301, while A. Cohen used a multiplier of six for a sixteenth-century household in Jerusalem (idem, *Jewish Life under Islam*) 15–16. H. Inalcik summarized the hypothetical nature of the calculations based on household numbers multiplied by a certain coefficient number in *Economic and Social History of the Ottoman Empire 1300–1600*, in idem and D. Quataert, eds., *An Economic and Social History of the Ottoman Empire 1300–1914*, vol. 1, 17–20.

[2] See below, p. 180.

[3] A. Cohen, *Jewish Life under Islam*, 28–35, and compare with Barkan, "Ottoman Fiscal Surveys," 168.

Table 1. Jewish Households and Populations in Istanbul, 1477–1688

	Romaniot[1]		Ashkenazi[2]		Sephardi[3]		Total		
	HH[4]	Pop[5]	HH	Pop	HH	Pop	HH	Pop	Adj.[6]
1478[7]	1,647	8,235	—	—	—	—	1,674	8,235	10,460
1489[8]	2,027[9]	10,135	—	—	—	—	2,027[10]	10,135	13,133
1490[11]	1,980[12]	9,900	—	—	—	—	1,980[13]	10,370	12,444
1535[14]	2,000	10,000	—	—	6,070	30,350	8,070	40,350	48,420
1540[15]	1,505	7,525	25	125	—	—	—		—
1545[16]	1,464	7,320	26	130	—	—	—		—
1595–97[17]	1,414	7,070	65	325	1,045	5,225	2,524	12,625	15,150
1603[18]	—	—	126	630	847	4,235	—	—	
1608[19]	1,222	6,110	—	—	—	—	—	—	
1609[20]	—	—	88	440	705	3,525	2,015	10,075	12,090
1623[21]	1,217	6,085	63	315	908	4,540	2,180	10,940	13,128
1688[22]	1,004	5,020	147	735	2,460	12,300	3,611	18,055	21,686

1 Including Karaites

2 Including Jews from Hungary

3 Including Jews from southern Italy and France

4 Households

5 Population

6 Adjusted

7 H Inalcık, "Jews in the Ottoman Economy and Finances, 1450–1500," in C E Bosworth, C Issawi, R Savory, and A L Udovitch, eds , *The Islamic World from Classical to Modern Times Essays in Honor of Bernard Lewis* (Princeton The Darwin Press, 1991), 514, idem, "Ottoman Galata," 97

8 Barkan and Ayverdi, *Istanbul Vakıfları*, 17

9 Plus 464 widows

10 Plus 464 widows

11 Inalcık, "Jews in the Ottoman Economy," 514, idem, "Ottoman Galata "

12 Plus 470 widows

13 Plus 470 widows

14 Ibid Assessing the credibility of this figure, one should take into account the calculation made by Rozanes, based on Hebrew sources from 1500–1520, 18,000 Jewish residents in Istanbul (*History of the Jews*, vol 1, 119, ref 7, cf Mizrahi, *Responsa*, 91 281[doc 1 below])

15 Epstein, *Ottoman Jewish Communities*, 178–80 The numbers were checked and corrected as necessary

16 Ibid

17 S Yerasimos, "La communaute juive d'Istanbul a la fin du XVIe siecle," *Turcica* 27 (1995) 109–111 Two of the congregations listed in the survey (Kuruçesme and Istamadya [Samatia]) could not be identified according to ethnic origin Since they bear the names of quarters of Istanbul, they could be comprised of either Spanish or Romaniot Jews or both (ibid , 187–88)

18 Epstein, *Ottoman Jewish Communities*, 186–88

19 Ibid , 186–87

20 *Turkiye Cumhuriyeti Başbakanlık Arşivleri* (*ICBA*), *Maliyeden Mudevver* (*MM*) 14932

21 Epstein, *Ottoman Jewish Communities*, 186–87

22 Gerber, *Economic and Social Life*, 117–19

Compare all the above sources with Ö L Barkan, *Istanbul Vakıfları Tahrir Defteri* (Istanbul, 1970)

implies that surveillance of comers and goers was at least as difficult as in Jerusalem. We argue that due to Istanbul's larger size and greater number of people, and the complicated spatial organization of such a huge megalopolis, tax evasion in Istanbul was much easier than in Jerusalem. Nevertheless, given the meager concrete data at our disposal, we leave the rate of evasion at 20 percent.

The surveys did not always include all of the groups residing in Istanbul. Since some surveys were done for the specific purpose of assessing the revenues due the *vakıf* established by Mehmed II, two questions arise. Did all of the Jews in Istanbul and its suburbs pay their taxes to that *vakıf*? If not, how many Jews paid taxes elsewhere, mainly to the central treasury?

The first three surveys, made in 1478, 1489 and 1490, give the number of Jews who paid their taxes to Mehmed's *vakıf*. Without specifying the source, Inalcik states that in 1535 there were 8,070 households. Assuming that his figure came from a reliable source, this number probably includes all of the Jews of Istanbul no matter where their taxes were assigned. Further assuming that about 2,000 of these households were affiliated with Romaniot congregations (based on the last available survey), that leaves approximately 6,070 households that would have been of Iberian origin in 1535. This calculation does not take into consideration the Ashkenazi Jews, whose numbers were very small. If this theoretical discussion has some basis in fact, it means that the newcomers did not pay their taxes to the *vakıf* of Mehmed II and that, following the expulsion from Spain, a large number of Iberian Jews entered the city.

The next two surveys, made for the same *vakıf*, again reflect only the Romaniot communities; the uncounted Iberian Jews paid their taxes to the central treasury, not to that of the *vakıf*. The figures show a marked decline in the number of Romaniot Jews since the first survey. The division between the *vakıf* and the central treasury of taxes collected from the Jews of Istanbul indicates that the idea of *kendi gelen* became a legal reality only with the influx of Iberian Jewry; until then, everyone who came, even of their own free will, simply became part of the existing setup.

The 1595–97 survey was the first to include both Romaniot and Iberian Jews. Since it was made for the *vakıf*, this means that somewhere between 1545 and 1595–97 the arrangement was changed so that all Jews were required to pay their taxes to the foundation of Mehmad the Conqueror. Interestingly, only 40 percent were Iberians, while Romaniots comprised some 53 percent of registered Istanbuli Jews. This might

mean that Istanbul at the beginning of the sixteenth century was only a way station for immigrants who subsequently went on to other places—or it could indicate something totally different. Stephane Yérasimos, who published this register, hypothesized that it was made in preparation for evacuating the Jews from the area between Eminönü-Sirkeci-Tahtakale where Safiye Sultan, mother of Mehmed III, planned to build a mosque and a complex of buildings; the plan started to take shape in 1598.[4] If so, those who lived in the area had a keen interest in being registered so they would be compensated for the appropriation of their dwellings. Most of the inhabitants of these neighborhoods were Romaniots, which might explain the diminished number of registered Iberian Jews at that time; they simply did not have the same incentive for having themselves registered.

The surveys of 1603, 1608 and 1609 complement each other and provide an overall demographic picture for that decade: 35 percent Iberian Jews, 60 percent Romaniots and 5 percent Ashkenazim. Later in the seventeenth century, the balance between the Romaniots and the Sephardim changed; the survey of 1688 counted 27 percent Romaniots, 60 percent Iberians, and the rest Ashkenazim. This change was not caused by a sudden influx of Iberian Jews, but by fires and the building of the Yeni Cami, which caused many families to move to other quarters and join other congregations that had nothing to do with their place of origin. The name of a congregation became just a name; it was no longer connected with the ethnic identity of its members.[5]

These figures provide a wider perspective of the sixteenth century from the distance of time. They reflect the residents' considerations in regard to being registered and taxed, and are the results of compromises between the Ottoman functionaries and the Jewish communities,[6] as well as the efficiency of the functionaries.

Apparently, then, the 1530s were the apex of the Iberian influx to Istanbul, when more than half of the city's Jews were of Iberian origin. By the end of the century, the proportion had shifted to 53 percent Ro-

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4 Yérasimos, "La communauté," 108.

5 M. Rozen, "Public Space and Private Space among the Jews of Istanbul during the Sixteenth and Seventeenth Centuries," *Turcica* 30 (1998): 336–37.

6 For example, *TCBA*, *MM* 286 from 1623 contains signs of additions and omissions at the end of many entries. The fact that the changes were made at the end indicates that the final number resulted from an agreement, and was not a genuine revision of the *defter*. The same can be seen in *MM* 2060 from 1603. The reduction in the number of *kendı gelen* in the first half of the seventeenth century, as shown in the register, might be explained by such "corrections" made for the purpose of lowering taxes.

maniot and 40 percent Iberian. The balance changed again when the survey of 1688 put the Iberians in the majority with an apparent 60 percent of the Jewish population of Istanbul. By then, however, it became impossible to tell which members of a congregation defined as Romaniot were actually Romaniots, and which members of a congregation defined as Sephardi were actually Sephardi Jews.

CHAPTER FIVE

GEOGRAPHICAL HISTORY OF THE COMMUNITY

ROMANIOT SETTLEMENT PATTERNS AFTER THE OTTOMAN CONQUEST

The first Jewish residents of Ottoman Istanbul were undoubtedly the survivors and escapees from Constantinople who were compelled to resettle in the city as *sürgün*. However, we do not know precisely where they resided. The earliest clues to the locations of their neighborhoods can be found in the data gathered immediately after the accession of Mehmed III to the throne in 1595, in the course of a survey to determine the assets of the *vakıf* of Mehmed II. The area covered by the survey must have been in the vicinity of the commercial complex of Mahmud Paşa, between the great khans (built much later) and the *medrese* (higher institute for Muslim education) of Rüstem Paşa.[1]

By 1595, the original congregation of these native Jews—called "Istanbul" in Turkish and "Poli" (the city) in Greek—had divided into two congregations, which means that the Jewish community went through both social and demographic changes. These changes must have been expressed geographically as well, but we are unable to reconstruct an appropriate map. Still, one thing is definite: the autochthonous Jews of Istanbul dwelled in the older part of the city, not far from the Byzantine Jewish neighborhood, but not where the remnants of the synagogues Poli Ḥadash (the new city) and Poli Yashan (the old city) are located today in Balat.[2]

The autochthonous Jews (including many Karaites) who resided in Galata at the time of the conquest appeared in the Ottoman surveys of this part of the city for the last time in 1455; a subsequent survey (1472) recorded no Jews in Galata. However, the surveys made for the *vakıf* of Mehmed II in 1535, 1540 and 1545 noted the existence of a congrega-

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1 Yérasimos, "La communauté," 122.

2 The dilapidated Poli Yashan (pronounced *Pulyasan* by the local Jews) still stands in Balat, and Poli Ḥadash serves as the workshop of a local artisan. For a picture of the site of the gate to the courtyard of Poli Yashan, see M.C. Varol, *Balat, faubourg juif d'Istanbul* (Istanbul: Editions Isis, 1989), plate 10. See also Pervititch, *Plan d'assurance, Corne d'Or-Balat*, plates 27, 30.

tion named Galata. What does this mean, and where did the members of this congregation reside? Since the surveys of Galata itself did not record even one Jewish household after 1455, the congregation must have been located somewhere else and was probably comprised of Jews whose origin was Galata, hence its name.[3]

The survey made for the *vakıf* of Mehmed II in 1481 shows a major change in the demographic portrait of Galata. The town had grown extensively during the ten years that preceded the survey. An intensive process of Turkification eliminated a great deal of its Frankish and Christian character. New quarters were created, and old ones were redivided and repopulated by Muslims; of the fifty-eight quarters listed in the 1481 survey of Galata, twenty had Muslim names.[4] A double motivation—not only to repopulate Istanbul, but also to Turkicize Galata—must have been the reason for the disappearance of the Jews from the town. Their transfer to Istanbul took place somewhere between 1455 and 1472, and must have been part of the preparatory work by the Ottomans to implant in that town of unbelievers a stable Muslim element. If these Jews had been moved to repopulate the city *intra muros*, we should look for them somewhere around the Eminönü neighborhood, where the Edirne Karaites were made to settle.[5]

Most of the transferees from Anatolia and the Balkans who were to repopulate and rebuild the empty and devastated city were settled in a trapezoid-shaped area formed by Eminönü, Sirkeci, Tahtakale and Mahmud Paşa (today the area between and around the Galata Bridge and the Atatürk Bridge); some settled to the north of Mahmud Paşa in Zeyrek. The existence of this settlement is corroborated by Hebrew, European and Ottoman sources.[6] The 1495 register of the *vakıf* of Mehmed II mentions many locations where Jews were living. Identifiable, in addition to the Edirne (Karaite) quarter near present-day Eminönü, are Balık Pazarı to the north of the Spice Market (*Misir*

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3 For the bibliographic details of the surveys see Table 1 (a, b. c, d, e, f).

4 Inalcik, "Ottoman Galata," 48–49.

5 On the Karaite center in the neighborhood of what is now the Yeni Cami-Eminönü, see A. Danon, "Documents Relating to the History of the Karaites in European Turkey," *JQR 17* (1926–27): 197–98, 252–55, 277–80; A. Galante, *Les juifs de Constantinople,* 1st ed. (Istanbul, 1941) in *Histoire,* vol. 1, 167–70. Galante cites the register of the *vakıf* created in the time of Mehmed II and copied in 1495. This register, no. 16\1141 at the Topkapı Palace archives, was also described by T. Öz, "Zwei Stiftungsurkunden des Sultan Mehmed II Fatih," *Istanbuler Mitteilungen* 4 (Istanbul, 1935): 25–28.

6 For traditions on the existence of this settlement, see Inalcik, "Ottoman Economy," 513; Heyd, "Jewish Communities," 311.

Çarşısı); Zindan Hanı in what is now a garden, closer to the Atatürk Bridge; Sarı Demir, on the way to Unkapanı; Tahtakale, in the vicinity of the present-day neighborhood of the same name; the area near Edirne Kapı; Sirkeci; and in the other direction from Eminönü toward Sarayburnu.[7] Selaniki Mustafa Efendi in his *Tarih-i Selaniki* (Selaniki's history) defines this trapezoidal area as the Jewish settlement in Istanbul. Describing the terrible fire which broke out in 1569, he mentions the burning of the neighborhoods of the two *Bedestans*, the Jewish neighborhoods and the flea market, as well as the bathhouse of Gedik Ahmed Paşa and many mosques.[8]

The 1595–97 register of the *vakıf* of Mehmed II gives further details. Although the great fire of 1569 had an indisputable effect on the map of Jewish settlement, its main characteristics remained very much the same as before, and the register is a reliable source for post-*sürgün* settlement patterns. It does not connect most of the names with geographical locations, but it is clear that 60 percent of the Jews were still clustered in the trapezoid.[9] The core of this Jewish settlement, the quarters of Balık Pazarı and Babı Orya (Porta Horaia), is located a little way further into the Golden Horn, a short distance from the spot indicated on the Budondelmonte plan of the city (1420) as the Porta Iudea. The Gate of the Jews, or Porta Ioudaika, the Gate of the Jewish Quarter, is still indicated as *Yahudi Kapısı* or *Çıfıt Kapısı* in the seventeenth century, although there is no evidence that the *Yahudi Kapısı* and the Porta Iudea were located in exactly the same place. Sources from the end of the seventeenth century onward mention the fires which destroyed these areas and gave the Ottomans an excuse to transfer the original inhabitants somewhere else, especially to Hasköy.[10]

A smaller part of the Romaniot *sürgün* settled in Balat near Egri Kapı, where the Jewish community had its most important cemetery. Of the congregations whose synagogue sites can be identified, only four

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7 Ibid.

8 Selaniki Mustafa Efendi, *Tarıh-ı Selanıkı (971–1003 / 1563–1596)*, ed. M. Ipşirli (Istanbul: Edebiyat Fakültesi Basımevi, 1989), vol. 1, 217.

9 See Yérasimos, "La communauté," 121–25.

10 On these quarters, see Galante, *Histoire*, vol. 1, 25–27. On Jews living in Arabacılar Meydanı (near Balık Pazarı), see Ibn Yahya, *Responsa, Tumat Yesharım*, 74:39a. For later sources on this quarter, see John Sanderson, *The Travels of John Sanderson in the Levant 1584–1602*, ed. W. Foster (London, 1931), 81; Eremya Çelebi Kömürciyan, *Istanbul Tarıhı* (Istanbul: Eren, 1988), 9, 11, 14–15, 91; Evliya Çelebi, *Seyahatname*, vol. 1 (Istanbul, 1896), 413–14, cf. A. Refik Altınay, *Hıcrı On Ikıncı Asırda Istanbul Hayatı* (Istanbul, 1930), 88

can be dated from before the seventeenth century: Okhrida, Yanbol, Kastoria and Karaferye.[11] The Okhrida congregation is recorded in the 1595–97 register as *der Balat*, meaning "resides in Balat," as are the others.[12] It is difficult to establish whether the other congregations were founded in Balat in the mid-fifteenth century, or moved there after the construction of the Yeni Cami in Eminönü began in 1598, or moved there after the second big fire in 1660. In any case, only 20 percent of Istanbuli Jews resided in Balat at the end of the sixteenth century.[13]

Another place where Romaniot Jews settled after the conquest was in the neighborhood of Samatia near the Castle of Yedikule on the Marmara coast. This neighborhood, also called Psamatia (after St. Matthew), was an important Greek center which continued to exist after the Ottoman conquest.[14] We do not know what Jewish congregations lived in Samatia; however, we do know that the people called Istamati were of Romaniot origin. In the Hasköy cemetery, which was opened at the end of 1582, some of the earlier stones bear the surname *Istamati*; the earliest is the stone of Parti, widow of Shelomoh Istamati, who died on December 14, 1583.[15]

The 1495 survey of the *vakıf* of Mehmed II noted a neighborhood which Galante referred to as Bithomasia.[16] We believe that this is a distortion of the name Samatia or Psamatia. The congregation does not

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11 Synagogues (most of them dilapidated) that can still be seen in Balat are Kal de Selaniko (Selanik), of which only the gate exists; Yanbol (Yanbolu), which still functions but is in very bad condition; Veria (Veroia= Karaferye), which burned down in 1890 and was replaced in 1929 by a school building which now houses a garage; Okhrida (Okhri), reconstructed in 1992; Tchana, in ruins; Kastoria, in ruins; Ishtipol (Iştip), in ruins.. Pictures of some of them can be found in M.C. Varol, *Balat*, plates 11, 18, 25–28, 35–36, 43–45, 52, 57–58. See also Pervititch, *Plan d'assurance*, plates 27, 30.

12 Yérasimos, "La communauté," 109.

13 Ibid. See map at the end of the article.

14 On the Greek center in Samatia, see D. Kuban, *Istanbul — An Urban History Byzantion, Constantinopolis, Istanbul* (Istanbul: The Economic and Social History Foundation of Turkey, 1996), 51, 98–99, 137, 151, 199, 305, 400. R. Janin (*Constantinople byzantine· Developpement urbaine et répertoire topographique* [Paris: Institut Français d'Études Byzantines] [2nd edition], 327) and D.A. Miller (*Imperial Constantinople* [New York, NY: John Wiley & Sons, 1968], 77) both identify the Jewish quarter of the early Byzantine period in the area of what is now Yedikule, since this was the place where executed criminals were buried, and they thought it an appropriate place for the Byzantine Jews whose silk dyeing and tanning trades were considered to pollute the environment. However, neither of them brings substantial evidence to support this supposition.

15 Diaspora Research Institute, *Documentation Project of Turkish Jewry* [computerized database] (Tel Aviv: Tel Aviv University) (hereafter: *TAU Documentation Project*).

16 Galante, *Histoire*, vol. 1, 169.

appear in the surveys of 1540 and 1545, but is recorded in the 1595–97 survey—this time distorted as Istamadia or Ipsomadia.[17] However, not even one Jew is registered as living there. Therefore, the mention of the congregation in the 1595–97 survey undoubtedly refers to a group of people originally from that neighborhood who formed a congregation of that name somewhere else in the city, probably in Hasköy. Since the surveys after 1495 do not mention a congregation by the name of Samatia (or anything close to it), it is reasonable to assume that the passage from Samatia to Hasköy took place sometime after 1495; that the settlement in Samatia no longer existed in 1540; and that a congregation of descendants of Istamatis was refounded outside Samatia sometime between 1545 and 1595.[18]

The movement of the Jews of Samatia brings us to the northern shores of the Golden Horn. The Jews had a cemetery in Kasım Paşa which, they claimed, had been given to them by Fatih Mehmed II, i.e., right after the conquest. The cemetery may have been used even before the conquest for burying the Jewish residents of Galata. In any case, the existence of the cemetery after the conquest indicates that there were Jewish populations in Hasköy and Kasım Paşa at that time, since the Jewish settlement in Galata was transferred shortly after the conquest and no longer needed it. The cemetery disappeared when the quarter of Kasım Paşa was developed as a dockyard and center for the Ottoman navy.[19]

Hasköy had been a center of Karaite Jews as early as the beginning of the sixteenth century. In 1524 or 1525 a Karaite, Yosef Rabiẓi, founded a *vakıf* in order to build and maintain a public fountain (*çeşme*) in his quarter, which implies that the group had a high degree of integration in Hasköy at that time.[20] The Hasköy cemetery contains a rela-

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17 Yérasimos, "La communauté," 111. We do not agree with Yérasimos's contention that Ipsomadia is an unidentified city from which Jews were transferred to Istanbul (ibid., 113).

18 The congregation appears in the 1688 survey. See Heyd, "Jewish Communities," 301; Gerber, *Economic and Social*, 117–19.

19 On the destruction of the Jewish cemetery during the development of the quarter, see Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 80–81, 85. On the possibility of the existence of a Jewish quarter in Kasım Paşa during the Byzantine period, see Galante, *Histoire*, vol. 1, 25. See also Z. Ankori's contention that the names Pera, Galata and Kasım Paşa were often confused by foreigners (*Karaites*, 146).

20 Danon, "The Karaites," 192–93, 282. On their ancient roots in this quarter, see also ibid., 284–87, 291–92. P.G. Inciciyan claims that the Karaites gave their name to the Karaköy quarter, from which they were transferred to Hasköy when the Yeni Cami was built (*18 Asırda İstanbul*, trans. H.D. Andreasyan [Istanbul, 1976], 23, 50). How-

tively large number of tombstones from the years 1583 through 1647 which bear the name Ashkenazi, indicating that the major part of the Ashkenazi Jews who arrived in Istanbul in the fifteenth, sixteenth and seventeenth centuries settled in this neighborhood.[21]

Impact of Iberian Immigration on the Community's Geography

The expellees apparently settled first in places which were already centers of Jewish population—mainly the trapezoid, but also Balat and Hasköy. The 1595–97 survey shows most of the newcomers crowded into the old center between Eminönü, Sirkeci, Mahmud Paşa and Tahtakale.[22] But space was limited and newcomers practically outnumbered the existing Jewish population, so additional Jewish areas developed.

It is likely that cultural and socioeconomic factors were also behind the expansion. For example, Jews did not establish themselves in Galata until the 1550s,[23] some 60 years after the beginning of Iberian immigration and almost 100 years after the Ottoman conquest of the city. This settlement was probably related to the immigration of Portuguese Jews whose Christian-European background and Latin languages matched those of the European Christian merchants already living in Galata and Pera. Also, since these Portuguese Jews traded with Christian Europe, it was natural for them to settle in the center of this trade—Galata.

In 1555, Nicolaus de Nicolai, who escorted the French Ambassador, d'Aramon, stated that Galata was divided into three parts. The Franks (the Christians from Catholic Europe) lived in one; the Greeks, in another; and the Turks and a few Jews, in the third. Most of the Jews lived

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ever, while the Jews of Galata, including the Karaites, were actually transferred after the conquest, it seems that Inciciyan confused the Yeni Cami in Eminönü with that of Galata, and the result is that this late tradition cannot be proof of the residence of the Karaites in Hasköy from the mid-fifteenth century. On the source of the name Karaköy, see Ankori (*Karaites,* 144), who suggests that the tradition reflects the memory of the Karaite existence in Pera, which is connected to the Turkish name Karaköy (the Black Village). For another suggestion, see C.A. Arseven, *Eskı Galata ve-Bınaları* (Istanbul: Istanbul Kütüphanesi Yayınları, 1989), 44. The 1595–97 survey shows a large part of the Edirne Karaite congregation living in Hasköy (Yérasimos, "La communauté," 114).

21 Of 805 readable and dated tombstones from that period, 40 bore the family name Ashkenazi (*TAU Documentation Project*).

22 See Yérasimos, "La communauté," 124.

23 Inalcik, "Ottoman Economy," 514 and accompanying refs.; Epstein, *Ottoman Jewish Communities*, 178.

in Istanbul.[24] Jean Chesneau, d'Aramon's secretary, mentioned only one synagogue in Galata.[25]

The emergence of a new class of Jews with great fortunes, partly brought from Europe and partly acquired in Istanbul, led to the creation of new centers of settlement along the Bosphorus in the 1550s and 1560s. At first, only the few rich and affluent moved to places such as Kuruçeşme, Arnautköy, Beşiktaş, Ortaköy and Kuzguncuk.[26] Wealthy Jewish merchants owned houses and *yalıs* (shore palaces) in these settlements, which were smaller than the Jewish area in Balat. In addition, these neighborhoods accommodated people from the lower classes who provided services to the wealthy, and who also fished and farmed.[27]

The legal status of the newcomers also helped change the map of Jewish Istanbul. Being *kendi gelen*, they could reside wherever they wanted—and they made use of this right to set up new Jewish areas in the city. In short, the immigrants not only followed the existing pattern of Jewish settlement; they also created new sites.

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24 Nicolaus de Nicolai, *Navigations*, 77. Compare with pp. 56–60 above.

25 J. Chesneau, *Le voyage de Monsieur d'Aramon...*, ed. Ch. Schefer (Paris, 1887), 32.

26 The register of the 1595–97 survey mentions 27 Jewish families in Kuruçeşme, 3 in Kuzguncuk, 6 in Ortaköy, and 4 in Arnautköy (Yérasimos, "La communauté." 119) On Kuruçeşme, see Rabbi Shemuel de Uzida, *Igeret Shemuel, a Commentary on the Book of Ruth* (in Hebrew) (Kuruçeşme near Istanbul: Reina Nasi Printing House, 1597). See also Ya'ari, *Hebrew Printing*, 144–46. The books printed in Belvédère probably refer to Ortaköy. Cf. Yérasimos, "La communauté," 113 and 125. On p. 113 he identifies Kuruçeşme with Bela Palanka in Serbia; on p. 125, he describes it as the new settlement on the Bosphorus. Eremya Çelebi, describing Balat in the mid-seventeenth century, also refers to other Jewish residential areas in Istanbul· Hasköy, Beşiktaş, Ortaköy, Kuruçeşme, Kuzguncuk, Usküdar and Cengelköy (Eremya Çelebi Kömürcıyan, *Istanbul Tarıhı*, 19). On Ortaköy, see ibid., 40–41. The main settlement in Ortaköy occurred in the seventeenth century. The earliest evidence on Kuzguncuk is a tombstone from 1562 in the local cemetery (Galante, *Histoire*, vol. 1, 305).

27 See pp. 228–29 below. See also the will of Hayim Sulam, made in 1619 on his deathbed in Ortaköy, mentioning a big house with the legal status of *mulk* (private property); the neighbors were another Jew, Mosheh Ibn Ya'ish, and a Greek named Kostanda (Rabbi Yehiel Bassan, *Responsa*, 82:54a). On a congregation at a summer resort, see Rabbi Eliyahu Ibn Hayim, *Responsa, Mayim 'Amuqim* (Venice, 1657), 70:119b (doc. 12 below). Evliya Çelebi lists the *yalı* of Şekerci Yahudi (the Jewish sugar dealer) and that of the Jew Yiẓhaq among the shore palaces of Ottoman dignitaries in the seventeenth century (*Seyahatname*, vol. 1 [Istanbul, 1896], 451).

CHAPTER SIX

PATTERNS OF ORGANIZATION

THE OTTOMAN TOWN AND THE JEWISH COMMUNITY

The people who lived in Ottoman towns were organized in two different ways: according to geography and religion, and according to occupation. The homes of the residents of a quarter (*mahalle*) were clustered around their religious center, be it a mosque, church or synagogue, so a geographic grouping usually produced the same results as a religious grouping. If the quarter was Muslim, the *imam* was its religious authority and the *kethüda* managed its financial and administrative affairs.

In Istanbul, however, the various religious communities did not always live in separate quarters.[1] Where the Muslim and non-Muslim populations were mixed, the Ottomans simply overlooked the geographic aspect and dealt with the non-Muslim residents as a separate quarter, administered by its own religious and secular leaders and living its communal life around its synagogue or church.[2] The Ottomans did, however, prohibit non-Muslims from living close to a mosque, and forbade construction of a non-Muslim place of worship near a mosque.[3]

The occupational grouping was based on the guilds (*hirfet, taife* or *sınıf*) of artisans and merchants; the right to practice a craft was contingent on membership in a guild. Each Muslim guild had a set of regulations which stated the conditions under which a person could enter the craft or trade, the technical specifications of the products, their prices,

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[1] On the structure of urban organizations, see Inalcik, *The Ottoman Empire*, 150–51; H. Gibb and H. Bowen, *Islamic Society and the West*, vol. 1 (Oxford: Oxford University Press, 1969), 276–81; *EI*^{2}, s.v. "Istanbul."

[2] On mixed neighborhoods, see Bassan, *Responsa*, 82:54a; Evliya Çelebi, *Seyahatname*, vol. 1, 451; Ibn Yahya, *Responsa, Tumat Yesharim*, 74:39a; Rabbi Yosef Ibn Lev, *Responsa*, vol. 1 (Jerusalem, 1959), 122:280–81; Gerber, *Economic and Social Life*, 15–16, 94–95; Yérasimos, "La communauté," 118–20. The Ottomans' treatment of different religious groups in the same geographical area as separate quarters is also indicated by Ottoman documents calling the Jewish urban unit both a *mahalle* (quarter) and a *cemaat* (congregation) (see ref. 121 below).

[3] Gerber, *Economic and Social Life*, 15–16; *EI*^{2}, s.v. "Istanbul."; Düzdağ, *Şehulıslam Ebusuud Efendi Fetvaları*, 94–95; Rabbi Eliyahu HaLevi, *Responsa, Zeqan Aharon*, 113:71a (doc. 3 below). See p. 19, ref. 8 above.

the procedures for buying raw materials, the prices of raw materials, and the like. The guilds adopted the ethics of the *futuwwa*, which urged the members to be generous, self-sacrificing, self-disciplined, obedient to their superiors, and sober. The members of the guild chose a *kethüda* from among themselves to represent them to the outside world. The *kethüda* also decided matters of prices, product quality, raw materials, disputes among the members, complaints against them, and the admission of new members.[4]

Although the guild was basically a Muslim institution, we know that in the seventeenth century, at least, the guilds of Istanbul had non-Muslim members. Sometimes they were accepted on an individual basis or in a separate section within a guild, and sometimes they set up a separate guild of Jews or Christians.[5] As far as the Jews and Christians were concerned, the guild to which they belonged was part of the Ottoman urban organization.

Whether the Jewish members regulated their own activities in accordance with Jewish law did not interest the other members of the guild, so long as these activities conformed to the system. Jewish guilds were registered and were answerable to a Muslim court of law just as were non-Jewish guilds. This meant that a Muslim artisan or customer could take a case against a Jewish artisan (or his guild) to the *kethüda* of the general guild, who was almost always a Muslim and would try the case according to the rules of the *hisba*. In complicated cases the matter would be taken to the *kadı* of the relevant part of Istanbul. Obviously,

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[4] Inalcik, *The Ottoman Empire*, 150–62; Lewis, *Istanbul*, 115–27; Gibb and Bowen, *Islamic Society*, vol. 1, 281–90; G. Baer, "Guilds in the Middle Eastern History," in M.A. Cook, ed., *Studies in the Economic History of the Middle East* (Oxford: Oxford University Press), 11–30; idem, "The Administrative, Economic and Social Function of Turkish Guilds," *International Journal of Middle Eastern Studies* 1 (1970): 28–50. On the guild system in Ottoman Jerusalem, see A. Cohen, *Economic Life in Ottoman Jerusalem* (Cambridge: Cambridge University Press, 1989), 101–105; S. Faroqhi, "The Guilds as a Focus of Historiographical Debate," in H. Inalcik and D. Quataert, eds., *An Economic and Social History of the Ottoman Empire 1300–1914* (Cambridge: Cambridge University Press, 1994), 586–93. See also Y. Barnai, "Jewish Guilds in Turkey in the Sixteenth to the Nineteenth Centuries" (in Hebrew) in N. Gross, ed., *Jews in Economics* (Jerusalem: Zalman Shazar Center, 1985), 133–46.

[5] Barnai, "Jewish Guilds," 134–38; V.B. Mann, *A Tale of Two Cities* (New York, 1982), 134; H. Gerber, "The Jews in the Economic Life of the Anatolian City of Bursa in the Seventeenth Century· Notes and Documents" (in Hebrew), *Sefunot* 1 (1980): 257–70, especially doc. 6 on p. 260, from 1634, which mentions the Muslim deputy head of the Istanbul guild of silk merchants and the Jewish *kethuda*; idem, "On the Jewish Community in Istanbul in the Seventeenth and Eighteenth Centuries" (in Hebrew), *Pe'amim* 12 (1982): 34, 36–38; idem, *Economic and Social Life*, 105–106.

the Jewish members of the guilds tried to limit such recourse to the Muslim legal system.[6]

Ottoman sources have not yet provided information on the membership of Jews in mixed guilds in the sixteenth century, and Hebrew legal sources rarely deal with the subject before the eighteenth century.[7] However, one Ladino source attests very clearly to such Jewish involvement. Rabbi Mosheh Almosnino of Salonika wrote that when he was in Istanbul in 1566 trying to renew the tax arrangement for his community, he viewed the coronation parade of Sultan Selim II from Edirne Kapı to the Topkapı palace. After Jews and Greeks presented the sultan with luxurious textiles and a custom-made carpet, each guild offered him a special gift—and Almosnino emphasized that there were Jewish members in every guild that appeared before the sultan.[8] This corroborates the seventeenth-century documents that indicate the guilds had Jewish members. In one way or another, on an individual basis or as part of a Jewish section, Jews were part of the Ottoman guild system.

The Romaniot Congregations

In 1540 the Romaniot Jews of Istanbul had forty-seven congregations based on their places of origin. Along with the Iberian Jews who came after them (and probably their Muslim neighbors as well), they viewed

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6 HaLevi, *Responsa, Zeqan Aharon,* 67:50b.

7 For a general description of the guild system in sixteenth-century Istanbul and the participation of the Jews, see R. Mantran, "Le milieu urbain et social à Istanbul, les gens des corporations," in *La vie quotidienne à Constantinople au temps de Soliman le Magnifique et de ses successeurs (XVIe et XVIIe siècles)* (Paris: Hachette, 1965), 119–21 (repr. in R. Mantran, *L'empire ottoman du XVIe au XVIIIe siècles, administration, économie, société* [London: Variorum Reprints, 1984]). On the relations between the internal (Jewish) and external (Muslim) rules with respect to the guild system, see H. Gerber, "Enterprise and International Commerce in the Economic Activity of the Jews of the Ottoman Empire in the Fifteenth to Seventeenth Centuries" (in Hebrew), *Zion* 43 (1978): 45–47. On a guild of Jewish merchants in Istanbul in the sixteenth century, see Ibn Lev, *Responsa*, vol. 1, 37:105. The benevolent association mentioned in Bassan (*Responsa*, 2:1b–2a) was founded in the sixteenth century and most probably reflected the social activities of an anonymous Jewish guild.

8 Rabbi Mosheh Almosnino, *Extremos y Grandezas de Constantinopla* (Madrid, 1638), 57–58. This book is a translation of the first and second part of the *History of the Ottoman Kings* and the first section of the third part called *Extremos y Grandezas de Constantinopla,* which gave the book its name. The Ladino text was translated into Spanish from a later manuscript which did not bear the author's signature. The translation was done in the town of Oran by Ya'aqov Cansino (see Benaya, *Mosheh Almosnino*, 165–68). Cf. above, p. 41, ref. 80.

these congregations as being equivalent to the Ottoman *mahalleler*. Just as the Muslim *mahalle* revolved around its mosque and was led by its *imam* and *kethüda*, the Jewish congregation revolved around its synagogue and had its own leaders. This perceived similarity is probably why the Hebrew sources called the congregations *mahalles* when referring to them in Turkish.[9]

Still, there is no doubt that when Jews spoke of a Jewish group as a *mahalle*, they meant a group of people who originated from the same place, prayed in the same synagogue, and followed the same leaders; the people were not simply residents of the same geographical area of Istanbul. The Ottoman authorities clearly understood the social meaning of the Jewish organizations; official Ottoman documents called them *cemaat* (association or congregation). The Jewish community as a whole was referred to as *taife-i yahudi*.[10]

Each of the Romaniot congregations had several secular leaders called *memunim* (singular: *memuneh*) in Hebrew, meaning "the appointed ones;" in Turkish they were called *mahallebaşları* (singular: *mahallebaşı*). Each congregation also had a number of judges (*dayanim*; singular: *dayan*) to whom the members turned for the administration of justice. Sometimes the *memunim* were also called upon to serve as a court of law. In addition, the *memuneh* represented the interests of his congregation vis-à-vis the other congregations, the supra-congregational institutions and functionaries, and sometimes the Ottoman authorities. Evidently, there was also a wider circle of leading figures in each congregation called *tovei ha-'ir* or *ha-nikhbadim* (the

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9 See Ibn Lev, *Responsa*, vol. 1, 122:280, who uses the Turkish word *mahalle* in Hebrew characters in the Hebrew text. See also pp 214–15 below.

10 See, for example, the *cizye defterleri* cited in Table 1, and *TCBA, MM* 14393 (1595), 14932 (1609), 3661 (1691–2), and many others, all referring to the congregations as *cemaat* and to the Jewish community as a whole as *taife* (association). Even 3661, the only register that gives the places of residence of the Jews, starts with the words *"Cemaat taife-i Yahudiyan nefer Istanbul zumre-i evlâ sakine-i Balat ma' Fener"* (The individuals rated as payers of maximum tax and belonging to the congregations of the community of the Jews living in Balat and Fener) An important source that refers to the similarity between *mahalle* and *cemaat* is Ibn Lev, *Responsa*, vol. 1, 122:280, which concerns the fine placed on the residents of a quarter located near the place where a murder had been committed: "In these neighborhoods there are two *mahalles* close to these shops [where the corpse was found], and these *mahalles* and all the others in which Israelites are living are mixed with Turks, because what is called *mahalle* is only the place in which they gather to their prayer, and this is what is called *mahalle*, and all the Jews in this land are mixed with the Turks, and when something like this happens they hold all the *mahalle*, Jews, Greeks, and Turks, all those who live in the *mahalle*, this is the meaning of the quarters and the *mahalle* in this place."

notables) who supported the actions of the *memunim*. Above the functionaries of the individual congregations presided two community-wide functionaries: the Leading Rabbi (*rav ha-manhig*), and the *kahya* (a shortened version of the Persian term *kethüda*), whose task was to take care of administrative and fiscal matters.[11]

According to Rabbi Eliyahu Capsali's *Seder Eliyahu Zuta*, the first Leading Rabbi of the Istanbul community was his famous relative, Rabbi Mosheh Capsali, whom Eliyahu says had been the judge (*dayan*) of the Jewish community even before the Ottoman conquest. When Mehmed II asked who was the Judge of the Jews, he was told that Mosheh Capsali was the Judge and a person of great integrity and piety. After being convinced of the accuracy of that description, says Eliyahu Capsali, the sultan honored Mosheh Capsali with royal garments, the privilege of riding a horse (normally given only to Muslims), and an escort of Ottoman dignitaries to his home. Mosheh Capsali became a welcomed personage in the sultan's court. Eliyahu Capsali describes how Mosheh Capsali went around the communities and coerced them into giving the charity needed to help the Spanish expellees, since he had a sultanic decree which enabled him to confiscate property and have people arrested. Eliyahu Capsali concludes: "And the man Mosheh was very great, and everything which he ordered them to do, they would do with no fault."[12]

As time went by, the rise of Mosheh Capsali's standing in historical memory accelerated. In the mid-seventeenth century, Rabbi David Conforti of Salonika described a picture similar to the one in *Seder Eliyahu Zuta,* adding that all the other *ḥakhamim* in Istanbul were subordinate to Mosheh Capsali because of the formal status the sultan had given him.[13] In his chronicle *Divrei Yosef* (ca. 1672), Rabbi Yosef Sambari of Egypt described how the sultan reserved three seats in his *divan* (cabinet chamber)—one for the *mufti* of Istanbul, the *şeyhülislam*; one for

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[11] Evidence of the existence of these functionaries is found in Rabbi Eliyahu Mizrahi, *Responsa*, 15:32–35 (doc. 5 below); 57:176–92 (doc. 12 below); 82:261–62 (doc 6 below); HaLevi, *Responsa, Zeqan Aharon*, 158:81a (doc. 2 below); Ibn Hayim, *Responsa, Mayım 'Amuqım*, 72:126a. Although Ibn Hayim was Iberian in origin, the query seems to have been asked by a Romaniot congregation. Mizrahi, *Responsa, Mayım 'Amuqım*, 20:15b 16b; S. Assaf, "Addenda to the Instructions of Rabbi Mosheh Capsali" (in Hebrew), *Sınaı* 5 (1939–1940): 485–86; Ẓonẓin, *Responsa*, *Naḥalah lı-Yhoshu'a*, 40:47a; Ibn Yahya, *Responsa*, *Tumat Yesharım*, 1:1a; 128:60b (doc. 17 below).

[12] Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 81–83, 219.

[13] Rabbi David Conforti, *Qore ha-Dorot* (Berlin, 1845), 28b.

the Greek Orthodox Patriarch; and one for the rabbi of the Jews. Mehmed II declared Rabbi Mosheh Capsali to be the leader of the Jews, put his chair next to that of the *mufti*, and loved him as his own soul. Sambari wrote that Mosheh was a very modest person who had slept on the ground and spent his life fasting and studying the Torah. The sultan listened to him and raised his status over that of the *mufti* and the patriarch. The rabbi was also responsible for collecting the taxes demanded from the Jews and delivering these sums to the sultanic treasury.[14]

All three of the above sources present problems of veracity for historians. The earliest, that of Rabbi Eliyahu Capsali, was written around 1523. The author's family connection is a good reason to treat the laudatory words of Mosheh Capsali's relative with appropriate caution. Although *Seder Eliyahu Zuta* seems to be the source closest to the historical truth, part of it is inconsistent with known facts about the Jews of Istanbul and the Ottoman rulers.

The statement that Mosheh Capsali had been Judge of the Jews since the Byzantine period is questionable, since he also presided over the Istanbuli congregations for some forty-five years. But even if this unusual longevity is a historical fact, the issue of his appointment by the sultan still remains. Eliyahu Capsali wishes the reader to believe that the sultan accepted Mosheh's purported high status as fact, and that the confirmation of his status was simply a formality. Hacker accepts this version of events, and even tries to prove that Eliyahu Capsali knew that the sultan's confirmation would add nothing to his relative's position and status—an interpretation that suited Hacker's theory that the status of Leading Rabbi was much less prestigious than historians had claimed.[15]

However, this assumption of what amounts to automatic continuity in Mosheh Capsali's status from pre-conquest to post-conquest times is not compatible with what is known about the mechanism of the Ottoman government. If the Jews ran away and came back as *sürgün*, all of their former institutions had to be reconfirmed by the authorities—which contradicts Eliyahu Capsali's claim of continuity. The sultan's inquiry about Rabbi Mosheh Capsali—described by Eliyahu Capsali himself—was a step in the process of Mosheh Capsali's appointment, so Eliyahu was contradicting himself. Even if the honors Mosheh re-

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[14] Rabbi Yosef Sambari, *Divrei Yosef*, Paris ms *Alliance Israélite Universelle* H 130 A, 70b; *Sefer Divrei Yosef le-R Yosef Sambari*, ed. S. Shtuber (Jerusalem: Ben-Zvi Institute, 1994), 248–49; 385

[15] Hacker, "Chief Rabbinate," 228

ceived were exaggerated by Eliyahu, one of them—the valuable garments—would typically have been given to a functionary such as the Judge of the Jews. The *hilat*, the official robe described here, confirms that its recipient had actually been appointed by the sultan, or at least by his representative, and that his status called for confirmation.

According to the family myth, Rabbi Mosheh Capsali rejected these honors out of modesty; however, the alleged rejection does not belittle his status. This would also explain the presumptuous statement that the rabbi had the authority to coerce members of the community to pay him their taxes and their share of charitable contributions, and to confiscate property and have people arrested. The sultanic affirmation of his status would entail such power, and also clarify the rabbi's radical action against the young Jewish men who fraternized with the Janissaries.[16]

Hacker's interpretation of the Leading Rabbi's authority differs from that described in *Seder Eliyahu Zuta*. He writes that the rabbi's actions in forcing the congregations to hand over their payments were related solely to the collection of charity for the relief of the Spanish expellees. He explains the Hebrew expression *la-'anosh nekhasim u-le-isurin*[17] not according to its obvious and simplest meaning, to confiscate property and put people in jail, but as the right to excommunicate. This explanation relies on a parallel with the description of how Rabbi Capsali's successor as Leading Rabbi, Rabbi Eliyahu Mizraḥi, collected money for the expellees.[18]

However, Mosheh Capsali was the Leading Rabbi during the time under discussion, not Eliyahu Mizraḥi, which is why Mizraḥi could not exercise any authority for that purpose other than his own standing and his alleged power of excommunication. Thus, Mizraḥi's modus operandi cannot be the basis for drawing conclusions about Mosheh Capsali's authority. Still, the report concerning the power to confiscate assets and have people arrested is not as exaggerated as it seems. Even if the Judge did not have the power to do so himself, he certainly had

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16 Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 84–85, 128–29. See below, p. 280.

17 Ibid., 219.

12 Hacker, "Chief Rabbinate," 230–31 (based on Mizrahi, *Responsa*, 66:214). It should be added here that the right of the community of Istanbul to put Jewish transgressors in jail was still exercised at the beginning of the nineteenth century. The Jewish jail, called *Casa Negra* (the black house), is mentioned in early nineteenth-century documents. Located in Balat near the house of the rabbi of that quarter, it is still being presented as such today. (Extracts of letters by Reverend H.D. Leeves, 7.11.1826, *British and Foreign Bible Society Report* (1827), 60–61.

the authority to have these steps taken by what the Hebrew sources refer to as "handing it over to their courts."

The earlier discussion of the *rav akçesi* may help clarify the scope of the Leading Rabbi's authority, at least in Mosheh Capsali's lifetime.[19] The person who delivered the tax to the sultan's treasury was also the recipient of the *hilat*; in the eyes of the Ottoman government, he undoubtedly wielded authority over the Jewish community. Since Capsali himself farmed the *maqtu'* tax, he had, like any other *maqtu'* contractor, the right to extract payments from people who were considered the source of his revenue. Even if the tax was contracted for in later generations by others, it does not mean that the Ottomans had waived their right to authorize such persons as judges of the Jews. The authorities were consistent in their pragmatic policy towards minorities, the Jews included.

Mehmed II knew very well whom he wanted as Greek Patriarch in Istanbul: someone whose orientation would be local and not Roman. While the Roman Catholic world still formed a set of enemies to be conquered, with the exception of the Russians, the Greek Orthodox world had surrendered and thus was no longer considered *Dar al-Harb*. Since the Greeks constituted a major portion of the population of both Istanbul and the empire as a whole, the outlook of their leadership was critical. By contrast, the Jewish community was small in number and was not perceived as a danger to the empire; therefore, the issue of who was Leading Rabbi was not very important to the Ottomans. This was why the agreement of the Jews themselves became a significant factor. However, since the office was part of the central administration and had been created by the Ottomans, the candidate needed to be officially appointed by the Ottoman authorities. The appointment constituted a major source of the Leading Rabbi's authority both inside and outside the Jewish community. At least, this was the case in Istanbul right after the conquest, when the Jews did not know what the new rulers' reaction would be if they disobeyed the authorized rabbi.

It was only after the arrival of the Iberian Jews that the Ottomans realized how divided the Jews were, how incapable they were of obeying a single authority. Consequently, the government abandoned the practice of appointing one religious-judicial leader for all the Jews in the capital. They gave the *maqtu'* of the *rav akçesi* to someone other than the Leading Rabbi, and the latter now led only the Romaniots instead of

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19 See above, pp. 27–33.

the entire community. Even if Mosheh Capsali's *berat* (letter patent) did not specify the limitations of his authority, his status as the contractor of a *maqtu'* was well defined.[20] If the *berats* of his successors likewise contained no limitations on their authority, they nevertheless did not try to implement them throughout the entire community. Fiscal power was transferred to the *kahya,* and later to other functionaries.

Since the testimonies of Conforti and Sambari are far removed in time from Capsali's tenure,[21] their value is certainly questionable. While Conforti's description is very general and does not pose any special problems, Sambari's description contains many details that do not conform with what we know about the status of the Jews in the Ottoman Empire, especially in regard to the sultanic *divan*.

The issue of Rabbi Mosheh Capsali's status within the community requires further discussion. Hacker proved that Capsali's authority did not extend over all the Jewish communities in the Ottoman lands; no matter what the Ottomans had intended, the Leading Rabbi was the rabbi only of the Istanbul congregations.[22] Capsali himself asserted that he had difficulty imposing his authority over the congregations of the newcomers; their spiritual leaders wished to continue the customs of their native towns, but Capsali forced them to follow Istanbuli rules and traditions—i.e., to accept his preeminence.[23] His control over the Romaniot congregations was clearly shown by the strict manner in which he dealt with the affair of the Janissanies.[24] However, as a number of powerful figures emerged within Jewish society, Capsali's status was challenged by several rabbis and secular leaders from among the Romaniots.

Some of this opposition was related by Rabbi Eliyahu HaLevi, who described how his teacher and mentor, Rabbi Mosheh Capsali, had asked him to sign an act of law which exempted a young bride from the requirement of levirate marriage. HaLevi noted that Capsali asked him to do this not because HaLevi was worthy of it—on the contrary, he was very young—but because all the other rabbinical authorities of the time were on very bad terms with Capsali.[25]

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20 For a different interpretation, see Hacker, "Chief Rabbinate," 239.

21 See p. 66 above.

22 Cf. Hacker, "Chief Rabbinate," 229–30, 249.

23 S. Assaf, "Responsa and Letters from Rabbi Mosheh Capsali" (in Hebrew), *Sinai* 3 (1939): 195–96.

24 Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 83, 129. See below, p. 280.

25 HaLevi, *Responsa, Zeqan Aharon*, 150:83b–84a.

The resentment gained momentum in 1475 when an emissary from the Holy Land by the name of Mosheh 'Esrim ve-Arba'a came to Istanbul to collect money for the poor of Jerusalem. Rabbi Eliyahu Mizraḥi refused to let 'Esrim ve-Arba'a deliver a sermon in his synagogue. Capsali ordered Mizraḥi to let the emissary give his sermon, and made sure that the order was carried out.[26]

Sometime before 1490, four of the "notables of the great congregation of Qostandinah" (i.e., the Jewish community of Istanbul) wrote to Rabbi Yosef Colon in Italy, probably in Pavia, complaining about Mosheh Capsali's rulings in several matters and asking for Colon's views.[27] The four were Elia Parnas, Aharon Abayei, Yiẓḥaq ben Shemuel Altirno and Asher ben Yiẓḥaq HaKohen Ashkenazi;[28] it is not clear whether they were rabbis or ordinary *memunim*. It should be kept in mind that not all congregations had rabbis; in many cases the *memunim* also acted as a court of law, although they brought complicated matters to the Leading Rabbi.[29] Two of these people were clearly of Romaniot origin, one was of Ashkenazi origin, and the fourth may have been of Italian origin. In his responsum, Yosef Colon mentions their congregational affiliations: Qostandinah (Poli), Negroponte (Eğriboz), Ashkenaz, and Talia. While the first three congregations are easily identified, there is no doubt that an Italian congregation did not exist in Istanbul before the expulsion from Sicily and Sardinia in 1492 and the kingdom of Naples in 1496–1510.[30] The reference must have been to a group of Italian Jews in Istanbul who belonged to another congregation.

Regardless of whether these four people were rabbis or secular leaders, their action was very unusual. They claimed that Rabbi Mosheh Capsali had sinned and had caused the public to sin because of his erroneous rulings on grave matters of personal law. According to Eliyahu Capsali, the real reason for their letter to Colon was simply their resentment of Mosheh Capsali's authority. However, Rabbi Colon justified their stance, ordered them not to accept any more of Rabbi Mosheh

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26 See Rabbi Eliyahu Capsali, *No'am ve-Hovlim* in *Wolves that Savage Benjamin The Book "Beauty and Bands" by Rabbi Eliyahu Capsali* (in Hebrew), ed. M. Benayahu (Tel Aviv: Tel Aviv University, 1990), 77–78.

27 According to Rabbi Eliyahu Capsali, the previously mentioned emissary, Mosheh 'Esrim ve-Arba'a, was the person who brought the letters to Rabbi Yosef Colon, which seems surprising in view of Rabbi Mosheh Capsali's interference on his behalf vis-à-vis Rabbi Eliyahu Mizrahi (ibid., 78).

28 Colon, *Responsa*, 83:88a.

29 See, for example, Mizraḥi, *Responsa*, 82:261 (doc. 6 below).

30 See pp. 78–79, refs. 55–57 below.

Capsali's rulings, and declared that Capsali should no longer be considered a rabbi or leader. The final outcome of this political upheaval is unclear. The arrival of Colon's letter in Istanbul was probably received with great disappointment by Mosheh Capsali's supporters,[31] whereas his opponents must have rejoiced at the support they received from the erudite and renowned rabbi. But the opposition was all to no avail; Capsali remained the Leading Rabbi, as powerful as ever.[32] When the Spanish expellees arrived in Istanbul, he succeeded to some extent in making them conform to the traditional practices followed in the city.[33]

One of the last attacks on Capsali's authority occurred in the 1490s.[34] The leaders of some of the Romaniot congregations, headed by Rabbi Yesha'ayah Misini, a scholar and dignitary with close connections to the Ottoman court, sought to ban anyone who taught anything, including Greek philosophy, to the Karaites. The leaders were unhappy with the honors bestowed on these teachers. The main object of their envy was Rabbi Eliyahu Mizraḥi, whom the Karaites called "The Great Teacher." Misini hated Mizraḥi and could not tolerate the prominence he had gained among the Karaites. The Romaniot leaders were also motivated by their economic conflict with the Karaites, who lent them money at interest. Their resentment was further aroused by the fact that Rabbanite servants in Karaite households were complaining about having to desecrate the Rabbanite holidays. At their own initiative, these leaders, and perhaps some Romaniot scholars as well, gathered in the Poli Yashan synagogue and decided on the ban. Only then did they call for the Leading Rabbi, Rabbi Mosheh Capsali, to make it official.[35]

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31 Rabbi Eliyahu Capsali, *No'am ve-Hovlim*, 78.

32 Ibid., 78–80. For the entire Colon-Capsali dispute, see Benayahu, *Rabbi Eliyahu Capsali*, 26–41. See also Hacker, "Chief Rabbinate," 245–46, who concludes that Mosheh Capsali had been the Leading Rabbi only of Istanbul congregations. Since all the sources state clearly that Capsali's authority was the definitive one in matters of dispute, the reader is somewhat amazed at Hacker's remark: "It is unclear how he had been the rabbi of all of them (since in many congregations there were rabbis) and what was the nature of his function and his authority" (ibid., 246).

33 See p. 76, ref. 44; p. 78, ref. 58 below.

34 It is difficult to ascertain the exact years. Rabbi Eliyahu Mizrahi, who described these events, wrote that several scholars from the expelled communities arrived a few years afterward. However, this information can only indicate that they arrived sometime between 1492 and 1498–1500 (the time of Rabbi Mosheh Capsali's death). In other words, these events happened sometime between 1490–91 and 1497–99. On Capsali's death, see ref. 147 below; cf. Mizrahi, *Responsa*, 57:192 (doc. 12 below).

35 Mizrahi, *Responsa*, 57: 176–92 (doc. 12 below); Yosef Beghi, *Igeret Qiryah Ne'emanah*, 308, 313–14. On Rabbi Yesha'ayah Misini, see p. 203 below.

Capsali refused to confirm the ban. He maintained that Greek philosophy was the creation of humans and not the Lord's Torah, and that it was a longstanding tradition to transfer this knowledge freely from one nation to another. He asked the leaders to reconsider their position overnight, but they conspired to officially announce the ban the next morning. When the destitute teachers whose livelihoods were at stake came to Rabbi Capsali crying and complaining, he asked them to wait until morning and allow him to solve the problem his own way. Word of Capsali's opposition to the ban reached those who supported it; they recruited ruffians who came armed with sticks and ready to fight. The next morning, opponents of the ban gathered at the Zeitun Synagogue to consult with the Leading Rabbi about ways to stop it. The proponents who had gathered at Poli Yashan came to the Zeitun Synagogue and asked Capsali to come to Poli Yashan with them. He refused, declaring that they were using violence against members of the community. The proponents responded that if he did not come, they would remove him from his position and appoint another Leading Rabbi. So Capsali went with them, only to find that the armed thugs were standing there, threatening to attack anyone who opposed the ban. Thus the ban was declared, in Capsali's presence and despite his vehement opposition to it.

The teachers, including Rabbi Eliyahu Mizraḥi and several Spanish scholars, ignored the ban and continued to teach Greek philosophy to the Karaites. However, it is obvious that as Rabbi Mosheh Capsali neared the end of his life, his personal authority had diminished and communal procedures were being influenced by sources other than the official functionaries.[36]

Rabbi Mosheh Capsali's era can be seen as a period of transition for the communal institutions. The scope of Capsali's authority had derived from a combination of his personality, which gave him authority from within, and the political power he acquired through the formal arrangements with the authorities, which supported his status from without. The new settlers and the veteran residents of Istanbul were cautiously attempting to strike a balance between the administration of the new rulers and their own divergent wishes, interests and ambitions. In the following years, the institution of the Leading Rabbi ceased to exist in the form it had taken during Capsali's tenure. New patterns of government appeared, resulting from a better understanding of the Ottoman political machinery and the opportunities it offered, as well as from the

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36 Mizrahi, ibid.; Beghi, ibid., 308–15.

encounter with the wave of new immigrants from Christian lands. The appearance of the *kahya* was one of these changes. There is no clear evidence of there having been a *kahya* during Mosheh Capsali's tenure, although it would have been natural for such an official to have existed, since it was customary for a spiritual guide to work in conjunction with a secular leader in most Ottoman social organizations.[37]

After Rabbi Mosheh Capsali's death around 1498–1500, Rabbi Eliyahu Mizraḥi presided over the Romaniot congregations.[38] It is unclear whether it was before or during his tenure that the first *kahya*, Sha'altiel, started to manage the secular affairs of the Jews, representing all of the Jewish communities in the city vis-à-vis the Ottoman authorities. Judging from Mosheh Capsali's aversion to sharing his authority, it seems very likely that this function was not introduced until his final years or after his death. The emergence of the *kahya* might be related to the large Iberian immigration and the Ottomans' realization that a chief rabbi, something equivalent to the Greek Patriarch, would not be suitable because the Jews would not obey him. Consequently, the Ottomans decided to rely on another functionary with whom they would deal in all financial matters related to the Jews of the city.

Sha'altiel's very good relations with the Ottoman administration generated a great deal of animosity among the members of the congregations, who suspected him of using his position for his own benefit. In 1518, the community banned Sha'altiel and his sons from holding the position of *kahya* or performing any other function involving contact with the Ottoman authorities. But it was soon obvious that Sha'altiel's services were indispensable; no one else had such a favorable relationship with the officials. After persuasive arguments from his supporters and a formal order from the Ottoman authorities, the majority of the congregations concluded that they were better off with him than without him, and asked Rabbi Eliyahu Mizrahi to annul the ban.

Hebrew sources portray Sha'altiel as an Ottoman-appointed official who, although he had been dishonest, was important for the well-being of the Jewish community. Ottoman documents, on the other hand, de-

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37 Inalcik, *The Ottoman Empire*, 152–53.

38 On the date of Mosheh Capsali's death, see Mizraḥi, *Responsa*, 55:214. The responsum mentions the forced conversion in Portugal as an event in the past, meaning that it was not written before 1497, and Capsali is spoken of as not being among the living; this dates his death as somewhere between 1498 and 1500. See also Hacker, "Chief Rabbinate," 248, ref. 108. On Rabbi Eliyahu Mizrahi's tenure as *rav ha-manhig*, see ibid., 251–52, and compare with pp. 84–85 below.

scribe Sha'altiel (or Salto, as they called him) as more of a general tax farmer, in charge of collecting the money owed by Jews to the treasury—either community taxes or payments against the contracts of other tax farmers. These Ottoman sources emphasize his business activities more than his status as a community functionary.[39]

Documents from subsequent years refer to the *kahya* as a functionary representing the entire Jewish community. However, none of those who succeeded Sha'altiel seem to have had as much authority as he had.[40] Instead, a group of dignitaries representing the community was responsible for collecting the taxes and delivering them to the authorities.[41] There is no evidence of there having been a secular, supracongregational functionary after Rabbi Eliyahu Mizraḥi's death. Notwithstanding the *kahya* Sha'altiel's multiple functions and broad range of activity, the Leading Rabbi was also very active with the Ottoman authorities (as was Rabbi Eliyahu Mizraḥi) when needed, such as when exorbitant irregular taxes were demanded from the Jews of Istanbul.[42]

So long as Rabbi Mosheh Capsali presided as *rav ha-manhig*, he was the one who paid the Ottomans the tax for the right to act as Judge of the Jews (*rav akçesi*). Later, the community paid the tax without reference to any specific person. However, it appears that the person who bore the title of *rav ha-manhig* of the Romaniots continued to receive a formal confirmation of his authority, *hurmana demalka* (with the king's

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39 On the *kahya* Sha'alti'el, see Mizrahı, *Responsa*, 15:32–35 (doc. 5 below); Epstein, *Ottoman Jewısh Communıtıes*, 62–66. Epstein traces Sha'alti'el's activity as far back as 1503 (ibid., 65). His statement that Sha'alti'el was of Iberian origin has no documentary basis (ibid., 62). It seems unlikely that, in the space of ten years, the Iberian group should have produced someone with such fluency in the Turkish language and such business connections at the Ottoman court.

40 A document from 1600/1 mentions Shemuel ben Mosheh, the *kahya* of the Rabbanites who summoned to the Muslim court some Karaites in the name of the Rabbinical Community (Danon, "The Karaites," 264–65). A 1690 document mentions the *cemaat başıs* and *kethudas* of the Jewish community in Istanbul whose function ıt was to assist the *memunım* in collecting taxes from the congregations. Although this description bears some resemblance to Sha'alti'el's job, there was an enormous difference between the two. The *kethudas* were dispersed among the congregations and were subordinate to the secular leaders (Gerber, *Economıc and Socıal Lıfe*, 124–25). The sources do not mention that they were responsıble for supervisıng the books of the Jewish tax farmers. In fact, Gerber's Hebrew translation of their function—*shetadlanım* (intermediaries or lobbyists)—is much more appropriate than "administrators," the meaning of the word in Turkish. On the activity of the *kahya* of the Rabbanites in 1747/8, see Danon, "The Karaites," 292–95.

41 See, for example, Refik Altınay, *Onuncu Asr-ı Hıcrıde Istanbul Hayatı*, 81–83.

42 Mizrahi, *Responsa*, 91:281 (doc. 1 below).

power), from the Ottoman authorities, as Rabbi Eliyahu HaLevi is said to have done. This procedure must have been a remnant of the times when only the *sürgün* resided in the city.[43]

There is no indication that the Leading Rabbi presided over the newly founded Sephardi congregations. They respected him, were helped by him, and turned to him when they had disputes among themselves; nevertheless, they did not consider his decisions to be binding. Rabbi Mosheh Capsali tried to impose his authority over the Sephardim, but Rabbi Eliyahu Mizraḥi admitted that they could not be forced to act against the rulings of their *ḥakhamim*.[44]

After Rabbi Eliyahu Mizraḥi died in 1526,[45] Rabbi Eliyahu (or Eliyah) ben Benyamin HaLevi was recognized by all of the Romaniot communities; like Mizraḥi, he presided only over the Romaniot congregations. After HaLevi's death in 1534 or 1535,[46] Rabbi Menaḥem bak-

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[43] See ref. 46 below. Hacker's claim ("Chief Rabbinate," 243) that only Rabbi Mosheh Capsali's name was mentioned in connection with an imperial confirmation of this office should be corrected accordingly. See Epstein, *Ottoman Jewish Communities*, 57–61; Benayahu, *Rabbi Eliyahu Capsali*, 62–70; cf. Hacker, "Chief Rabbinate," especially 236–43. See also Rabbi Shemuel de Medina, *Responsa, Hoshen Mishpat*, 364:59b–61b on Eliyahu HaLevi's title and office being confirmed by the Ottomans.

[44] On Rabbi Mosheh Capsali's efforts to exercise authority over the *surgun* and later the Sephardi expellees, see Benayahu, *Rabbi Eliyahu Capsali*, 26–61; Hacker, "Chief Rabbinate," 243–50. On Rabbi Eliyahu Mizrahi's status, see ibid., 251–54; cf. pp. 84–85, 95 below. On the Sephardim and Sicilians turning to Mizrahi for judgments, see Mizrahi, *Responsa*, 7:23, 13:29, 15:32 (doc. 5 below), 69:236, 81:260. On the Sephardim's right to follow the judgment of their *hakhamim* in regard to teaching philosophy to the Karaites, see ibid., 57:192 (doc. 12 below). On Mizraḥi's activities on behalf of the whole community, see ibid., 91:281 (doc. 1 below). On his activities on behalf of the Spanish expellees, see ibid., 66:214.

[45] Rabbi Eliyahu Mizrahi was alive in 1521 when his *Tosafot 'Al SM"G* (Addenda to *Sefer Mizvot Gadol* [Big Book of Commandments]) was printed (Ya'ari, *Hebrew Printing*, 84). His *Sefer ha-Mispar* (Book of the Number) was printed posthumously in 1533 (ibid., 90). Cf. Rabbi Benyamin ben Matatyah, *Responsa, Benyamin Ze'ev* (Venice, 1539) 248:346b; Rabbi Mosheh Alashqar, *Responsa* (Sabbioneta, 1554), 8:11a.

[46] On Rabbi Eliyahu HaLevi's tenure, see Hacker, "Chief Rabbinate," 252–53; HaLevi, *Responsa, Zeqan Aharon*, Introduction (by his son Benyamin): "After his [Rabbi Eliyahu Mizrahi's] soul had found repose, the sun of our rabbi rose, and the land was lighted by his honor. The office and the government was given to him by an imperial order. An old man sitting in the rabbi's house of study collected his judicial decisions." See also ibid., 9:18a, 158:82b–83a (doc. 2 below); M. Benayahu, *Copyright Authorization and Imprimatur for Hebrew Books Printed in Venice* (in Hebrew) (Jerusalem: Ben-Zvi Institute & HaRav Kook Institute, 1971), 215–16; cf. HaLevi, *Responsa, Zeqan Aharon*, 168:92a; 217:113a (from 1533). In 1511 HaLevi compiled the first Romaniot prayer book published in Istanbul (Ya'ari, *Hebrew Printing*, 68). His signature heads the list of rabbis who signed the 1534 regulation concerning betrothed maidens

har Shemuel Qabuli apparently served the Romaniots as *rav ha-manhig*.[47] Rabbi Avraham ben Yom-Tov Yerushalmi took up the position in 1555.[48] The congregational judges of the Romaniots formed a Great Court; presided over by the Leading Rabbi, it served as a court of appeals and discussed matters of great importance.[49]

What little evidence exists shows that the Romaniot *memunim* had considerable freedom of action vis-à-vis the Leading Rabbi and the *kahya*. They assembled at their own initiative, determined their objectives, and drew up regulations without deferring much to the opinions of the two supracongregational authorities.[50] The congregational judges tended to comply more with the pronouncements of the Leading Rabbi than with those of the *memunim*, although neither the *memunim* nor the Leading Rabbi could take this compliance for granted.[51]

In addition to dealing with taxes and relations among themselves or with the Ottoman authorities, the *memunim* imposed their moral authority on transgressors. After the daughter of Ḥayim Badurqi lived with her fiancé, Yehudah Ibn Ẓur, for nine months (as was common among the Romaniots), her betrothed deserted her. The *memunim* called on Rabbi Eliyahu Mizraḥi to force Ibn Ẓur to marry the girl, with no possibility of divorcing her.[52] The importance of marriage in Jewish society impelled them to ask the spiritual authority to exercise his power, which at other times they ignored when it contradicted their interests.

The Emergence of the Iberian Congregations

The first Spanish Jews to arrive in Istanbul most likely founded the congregation called Gerush Sepharad—Gerush (expulsion) for short.[53]

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and dances (Matatyah, *Responsa, Benyamin Ze'ev*, 305:441a). In 1539 the regulation was signed by Rabbi Menahem bakhar Shemuel Qabuli alone (ibid., 308:442a).

47 Matatyah, *Responsa, Benyamin Ze'ev*, 308:442a. In 1542, the blessing for the dead already mentioned Qabuli's name (Capsali, *No'am ve-Hovlim*, 102)

48 Ẓonẓin, *Responsa, Nahalah li-Yhoshu'a*, 40:47a. See also Benayahu, *Copyright*, 215–17; Matatyah, *Responsa, Benyamin Ze'ev*, 407:627a–629b

49 Ibn Hayim, *Responsa, Mayim 'Amuqim*, 3:42b.

50 For an example of the liberty the *memunim* took with the authority of the *kahya* or the Leading Rabbi, see Mizrahi, *Responsa*, 15:32–35 (doc. 5 below); still, one must take into account that, on that specific occasion, the leaders of the Iberian communities may have cooperated with them. See also ibid., 57:176 (doc. 12 below).

51 Ibid., 57:176–92; 66:214. See also Hacker, "Chief Rabbinate," 246–47.

52 Mizrahi, *Responsa, Mayim 'Amuqim*, 1:1a (doc. 7 below). See detail below, pp. 133–34.

53 See Table 1(c); Ibn Lev, *Responsa*, vol. 2, 72:176–82; Rabbi Mosheh mi-Trani, *Responsa*, 337:62b–63b; Ẓonẓin, *Responsa, Nahalah li-Yhoshu'a*, 40:46b.

Other congregations such as Cordova,[54] Aragon,[55] Messina,[56] Sicilia[57] and Portugal[58] emerged later.

Each congregation had its own judges and one rabbinic authority (*ḥakham ha-qahal*) whom they recognized as supreme.[59] Secular affairs were handled by a group of functionaries called *ma'amad* (literally, "presence," meaning the people in whose presence the affairs of the congregation were conducted). The members of the *ma'amad* were known as *memunim*, *beḥirim* (elected or chosen ones; singular, *baḥir*), *nivrarim* (chosen ones; singular, *nivrar*), *tovei ha-qahal* (the best of the congregation), or *nikhbadim* (dignitaries; singular, *nikhbad*). In the case of the Mayor Congregation in 1555, we have a more detailed picture of the *ma'amad*. It included a *parnas memuneh* (appointed leader),

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54 Table 1(c); Mizrahi, *Responsa*, 13:29 (doc. 4 below).

55 Table 1(c); Mizrahi, *Responsa*, 81:260.

56 Table 1(c); Mizraḥi, *Responsa*, 7:23. I do not agree with Hacker's contention that the congregation named Messina was actually a Romaniot congregation named after the town of Mesene (Misinli) in Thrace. The fact that the congregation was part of the *kendi gelen* cannot be explained by the supposition that its members came to Istanbul of their own free will after the conquest. No Romaniot congregations can be found among the *kendi gelen*. On the other hand, Sicilian Jews came individually to settle in the conquered Ottoman areas even before the expulsion. Moreover, the congregation's name was written in the *defters* in Arabic letters (مسينه), which leaves no room for speculation. (J.R. Hacker, "Some Letters on the Expulsion of the Jews from Spain and Sicily" (in Hebrew) in E. Etkes and Y. Salmon, eds., *Studies in the History of Jewish Society in the Middle Ages and the Modern Period, Presented to Professor Jacob Katz on his Seventy-Fifth Birthday by his Students and Friends* (Jerusalem: The Magnes Press, 1980), 72–73; cf. Heyd, "Jewish Communities," 303.

57 Table 1(c); Mizrahi, *Responsa*, 69:236.

58 Table 1(c). See the source cited for the complete list of Iberian and Italian congregations, as well as Ashkenazim—all those who came to Istanbul of their own free will (*kendi gelen*), including Catalan and Calabria, as well as Tchana that moved from the *surgun* to the *kendi gelen* (Rabbi Eli'ezer de Toledo, *Mishnat Rabbi Eli'ezer* [Salonika, 1852], 185b), and congregations which later split from them.

59 The rabbis who signed Eliyahu Mizrahi's decision to annul the ban against the *kahya* Sha'alti'el apparently included some of the *hakhamim* of the non-Romaniot congregations, along with Mizrahi's students (Mizrahi, *Responsa*, 15:34–35 [doc. 5 below]). One of the signatories, Rabbi Avraham Ibn Ya'ish, also appears to be a congregational leader; this may be concluded on the basis of the query he presented to Mizraḥi concerning *sivlonot* (the presents a betrothed man sends to his future bride) (Mizraḥi, *Responsa*, 17:43–49). See also the dispute over wearing the *sudar*, a kind of scarf, which the Spanish *hakhamim* wore on the Sabbath day (Benayahu, *Rabbi Eliyahu Capsali*, 46–54 and bibliog.); Hacker, "Chief Rabbinate," 248–50. In later generations, Rabbi Yehoshu'a Ẕonẓin was the *hakham* of the Mayor Congregation and Rabbi Yosef Ibn Lev was *ḥakham* of the Señora Congregation (Ẕonẓin, *Responsa, Naḥalah li-Yhoshu'a*, 40:46b). See also HaLevi, *Responsa, Zeqan Aharon*, 153:79a; Ibn Ḥayim, *Responsa, Mayim 'Amuqim*, 23:53a, 72:186a; Rabbi Mosheh mi-Trani, *Responsa*, vol. 2, 337:62b.

Mosheh de Segura, who was an important businessman and courtier,[60] and a group of *nikhbadim*.

In most congregations, whether of Iberian, Italian, Romaniot or Ashkenazi origin, the leaders took care of communal matters as well as the affairs of widows and orphans.[61] Each congregation also hired a teacher and a ritual slaughterer.[62] Most congregations maintained voluntary societies which looked after the sick and the needy, and collected money to support scholars in the Holy Land. Sometimes a voluntary society was related to a professional guild whose members belonged to the same congregation.[63]

Unlike the Romaniots, the Iberian congregations did not have a single rabbinical authority over all of the *ḥakhamim*. In Rabbi Eliyahu Mizraḥi's lifetime, the congregations turned to him to settle disputes among themselves—but not necessarily because they considered him to be the supreme authority. On the other hand, not long after settling in the Ottoman Empire, the Sephardi *ḥakhamim* evidently met to discuss mutual concerns before consulting with the secular leaders (*memunim*) of their own congregations or those of the Romaniots. This pattern is evident in the issuance of regulations concerning the *ḥazaqot* (the Jewish rules governing immovable assets among Jews) and the annulment of the ban against the *kahya* Sha'altiel, which involved many scholars. In 1555, Rabbi Yehoshu'a Ẓonẓin asserted that there had been meetings of the *ḥakhamim* since the arrival of the Spanish congregations in Istanbul: "Because from ancient times the ten congregations of the sons of Sepharad who are here in Qostandinah, they never parted one from the other in such a grave matter, because first of all the *dayanim* would consult, and then they would compromise, and after a lot of negotiation all would agree."[64]

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60 On his family, see above, pp. 36–37 and below, pp. 211, 235, 240.

61 On the *nikhbadim* in the congregation of Sicilia, see Mizrahi, *Responsa*, 69:236. On the *behirim* in an anonymous Spanish congregation, see Ibn Hayim, *Responsa, Mayim 'Amuqim*, 7:45a. On the *nikhbadim* in another congregation, see ibid., 23:53a. On the *nivrarim* in another congregation, see ibid., 63:104b. On the *ma'amad* in the Mayor Congregation, see Ẓonẓin, *Responsa, Nahalah li-Yhoshu'a*, 40:46b. On the *ma'amad* in the Gerush Congregation, see Ibn Lev, *Responsa*, vol. 2, 72:182.

62 Mizrahi, *Responsa, Mayim 'Amuqim*, 20:15b, 22:17a; HaLevi, *Responsa, Zeqan Aharon*, 113:71a; Ẓonzin, *Responsa, Nahalah li-Yhoshu'a*, 2:2a.

63 Mizrahi, *Responsa*, 9:24–25, 13:29 (doc. 4 below); Ibn Yahya, *Responsa, Tumat Yesharim*, 118:57a; Ibn Hayim, *Responsa, Mayim 'Amuqim*, 71:119b (doc. 11 below).

64 On the *ḥazaqot*, see Rozanes, *History of the Jews*, vol. 3, 339–48; Benayahu, "Ascamot about Hezqat Hahaẓerot, "Habbatim vehaḥanuyot in Salonika and the Juridical Decisions of R. Yosef Taitaẓaq and his Contemporaries" (in Hebrew), *Michael* 9

As early as 1519, and most probably even earlier, the secular leaders of the congregations met jointly to solve common problems.[65] The first evidence we have of an arrangement by the congregations for collecting taxes among themselves refers to a 1561 general assessment (*'arikhah kolelet*). However, it is very unlikely that this was actually the first general assessment, even exclusively among the Spanish congregations; payment of the *rav akçesi* by the Romaniots was regulated by such an assessment long before this time, and the Iberians must have joined the arrangement after their arrival. The existence of a general assessment at such an early stage was an important milestone for the Jewish community, because the creation of a supracongregational institution indicated that the community understood the advantages of cooperation.[66]

In the eyes of the Ottoman authorities, the Jewish community was composed of two main units: the *sürgün*, whom the Ottomans generally viewed as Romaniots, and the *kendi gelen*, the Jews who came from Frankia, the world of Catholic Europe. Sometimes the Ottomans indicated that they understood the differences among the Romaniots by referring to three groups within the Jewish community: the *sürgün*, the Edirne (Karaites), and the *kendi gelen*.[67]

In their own eyes, the Jews comprised at least four main groups: Romaniot communities, Iberian communities, the Ashkenazim and the Karaites. Although they were *sürgün* and Greek-speaking, their dissidence with Orthodox Jewry kept the Karaites from being part of the Romaniots; nevertheless, the two groups had close relations with each other.[68]

(1985): 57, 62–64; Rabbi Avraham HaLevi, *Responsa, Gınat Veradim,* vol. 2 (Istanbul, 1716), *Ḥoshen Mıshpat*, 6.1:153a–154b. On the consultations of the *hakhamım* of the Iberian congregatıons, see Ẓonẓin, *Responsa*, *Naḥalah lı-Yhoshu'a,* 40:46b.

[65] Mizrahi, *Responsa*, 15:32–33 (doc. 5 below). Even before this time, however, a meeting of leaders of the Spanish congregations that existed when the *ḥazaqot* were issued must have agreed to the legislation (see p. 21 above, ref. 64 above, p. 86 below).

[66] On the assessment of 1561, see Rabbi Mosheh mi-Trani, *Responsa*, vol. 2, 337:62b–63b; Ibn Lev, *Responsa*, vol. 2, 72:176–82. On the assessment in connection with the *rav akçesı*, see Medina, *Responsa*, *Ḥoshen Mıshpat*, 364:59b–61b; cf. B. Lewis, "On a Historical Document in the Responsa of Rabbi Shemuel de Medina," (in Hebrew), *Melila* 5 (1955): 169–76; idem, "The Privilege Granted by Mehmed II to His Physician," 550–63.

[67] See, for example, Refik Altınay, *Onuncu Asr-ı Hıcride Istanbul Hayatı*, 83–85; cf. Gerber, *Economic and Socıal Life*, 89–90, for slight differences; Danon, "The Karaites," 256–57, 264–65.

[68] Rozanes, *Hıstory of the Jews*, vol. 1, 26–33; Benayahu, *Rabbı Elıyahu Capsalı*, 42–45; Hacker, "Chief Rabbinate," 246–47.

TENSION BETWEEN CENTRIFUGAL AND CENTRIPETAL FORCES

There is no single clear reason for the multicongregational structure which formed in the Jewish community in Istanbul almost from the beginning. It had little or nothing to do with the distances between the Jewish residential areas, because most of the Jews in fifteenth-century Istanbul lived very close to each other.

As for differences in rites and customs, all of the Romaniots spoke the same language and all except the Karaites had a liturgy based on the same elements. Although collective memories are a good reason for immigrants to band together and a plausible explanation for the creation of the Romaniot congregations immediately after the *sürgün*, these cannot account for what occurred among the Spanish congregations during the century following their settlement.

The lists of Romaniot congregations in 1540–45 show that almost 100 years after the *sürgün*, their original communal structure still existed.[69] However, the poll tax registers did not always reflect the splits that took place in the Romaniot congregations, since the Ottomans sometimes disregarded these divisions.[70] While the Romaniot communities began their new lives in Istanbul in separate congregations, the Iberian Jews most probably started with only one. Yet the expellees' first congregation, Qahal Gerush, split almost immediately into several others; by 1555 there were ten Iberian congregations in Istanbul.[71]

It appears that social struggles led to the proliferation of congregations despite efforts to prevent this trend. As early as 1516 (probably much earlier than that), the congregation of Cordova came to an internal agreement (*haskamah*) that no one would leave to join another congregation.[72] In 1549, the Gerush congregation made a similar pact. But the movement from one congregation to another could not be restrained, so new congregations tended to be created. Since this social reality was recognized by all, a supracongregational agreement was made in 1561; it stipulated that whoever wished to change congregations should do so before the triennial general assessment. In 1563, Doña Gracia Nasi declared her intention to found a new congregation.

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69 Table 1 (e, f).

70 Internal disputes among the Romaniot congregations in Istanbul are mentioned in Mizrahi, *Responsa*, 46:175; HaLevi, *Responsa, Zeqan Aharon*, 59:46a (doc. 8 below); 96:61b; 112:70b (doc. 9 below).

71 Ẓonẓin, *Responsa*, *Naḥalah li-Yhoshu'a*, 40:46b, and pp. 78–80 above.

72 Mizrahi, *Responsa*, 13:29 (doc. 4 below).

Her announcement was welcomed by everyone, including the *ḥakham* of Gerush. But when she started to actually implement her plan, a great dispute arose; the same *ḥakham* and other members of Gerush protested sharply against the new congregation, claiming that it violated the 1549 agreement. The Señora's supporters, however, based their argument on the supracongregational pact of 1561, and she won her case.[73]

The motivation behind this mobility was neither tradition nor common heritage; the internal agreements not to defect from the congregations of Cordova and Gerush did not have an ideological basis. Rather, one of the main reasons for this ferment lay in the social structure of the Ottoman Empire, where each ethnic group lived within its own social boundaries; this meant that, the only place where a Jew could express his political ambitions was within Jewish society. All social aspirations and pursuit of power had to function within the only framework existing for that purpose—the congregation. Therefore, it often happened that a person who was discontented with his status, his ability to influence the congregation, or his tax assessment would move to another congregation or leave with other disgruntled members to found a new congregation.[74]

The cost of starting a new congregation was substantial, since a new synagogue building had to be constructed or acquired and maintained. On one hand, this made it a privilege only the wealthy could afford; on the other hand, it offered tax advantages for the rich. The first half of the sixteenth century was a period of economic florescence in the Ottoman Empire—a prosperity in which the Jewish community shared, and which was another reason for the form Jewish social life took at that time.

The Ottomans were indifferent to the ways in which the non-Muslims conducted their internal affairs, so long as they obeyed the laws of the empire and paid their taxes on time. After the Ottomans decided how much tax the Jewish community had to pay, and the community leaders determined how much of this tax burden was to be paid by each congregation, each congregation then made a separate, progressive

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[73] Ibn Lev, *Responsa*, vol. 2, 72:176–82; Rabbi Mosheh mi-Trani, *Responsa*, vol. 2, 337:62b–63b.

[74] For examples of such splits, see Ẕonẓin, *Responsa, Naḥalah li-Yhoshu'a,* 2:2a, and refs. 71, 71 above. On the efforts of an anonymous congregation in Istanbul to force its members to pray only in the congregational synagogue in order to prevent their defection, see Ibn Yahya, *Tumat Yesharim*, 86:45b. On the fierce disputes in the Ashkenazi congregation around 1535, see ibid., 198:99a.

assessment among its members—with the rich paying more and the poor paying less. It was in the interests of each congregation to attract new members who were wealthy in order to lighten the tax burden on the other members, while at the same time maintaining the loyalty of its current members. Obviously, if a group of wealthy members left and started a new congregation of their own, they would have to pay less tax; such a move was, of course, very enticing.[75]

S. Yérasimos studied the tax assessments of the Señora congregation and other congregations named after renowned personalities. His analysis was based on the 1595–97 survey of assets and revenues of the *vakıf* of Sultan Mehmed II, which assessed most of the members of these congregations as lower-class taxpayers. According to Yérasimos, this was because they were servants and employees of renowned personalities, and therefore had very limited means.[76]

Apparently, for both social and economic reasons, those who were exempted from taxes and very rich individuals with good connections in the higher echelons of the government preferred to pray in their own synagogue, take care of the needs of their dependents, and involve themselves in public welfare only when it suited them. Another possibility is that they had a great deal of influence which enabled them to lower the tax assessment of their dependents, both inside and outside the Jewish community.

In contrast to the intercongregational competition for members, there were certain matters in which the entire community shared a common interest. Thus, it was necessary to have supracongregational institutions, at least ad hoc, so that a consensus could be reached on these issues. The first to manifest such behavior were the Romaniots; they normally presented the wishes of the congregations' notables to the Leading Rabbi, who would then draw up a pact committing all of the congregations. But when the secular leaders knew that they would be unable to persuade the Leading Rabbi, they took the initiative and led the community themselves toward the desired decision—as they did in banning the teaching of the Karaites and banning the *kahya* Sha'altiel.[77] However, the Leading Rabbi might take the initiative if he foresaw opposition to his views from the secular leaders; he would issue a decision without being asked, as Rabbi Eliyahu Mizrahi did when he tried to

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75 See refs. 72, 73 above. See also Ibn Hayim, *Responsa, Mayım 'Amuqım*, 63:104b; Ẓonẓin, *Responsa, Naḥalah lı-Yhoshu'a*, 10:10b (doc.10 below).

76 Yérasimos, "La communauté," 118.

77 See pp. 72–75, 77 above.

stop the opening of Jewish-owned shops on the Sabbath.[78] It is not clear whether the Romaniot-initiated pacts also committed the newcomers; as we saw, they accepted the Leading Rabbi's authority only when it suited them.[79]

The conflict between the need for a supracongregational authority and the reluctance of the Sephardim to accept the authority of the *rav ha-manhig* was manifested in the scandal over the *qidushin* (betrothal) of a girl from Tire in western Anatolia. *Qidushin* is the verbal formula by which a man makes certain that his bride-to-be is consecrated to him alone according to Jewish law: *Harei at mequdeshet li ke-dat Mosheh ve-Yisrael* (Hereby you are consecrated unto me according to the Laws of Moses and Israel). Ḥayim Dutul claimed that he had given a gold ring to 'Azizah, daughter of Mosheh Maskut, and had performed the *qidushin* in the presence of two witnesses in the winter of 1515–16. Although the marriage was not consummated at this stage, only divorce could free 'Azizah from her bond.

But her father, who apparently objected to the marriage, claimed that the *qidushin* had never taken place. One of the witnesses was a famous gambler and well-known liar; the other admitted that he had not witnessed the *qidushin*. Furthermore, if there had actually been a *qidushin*, wouldn't Dutul have invited the bride's father and his other daughter's husband to attend it? In the meantime, Dutul was bragging around town that he was the lover of both mother and daughter.

This was precisely the kind of scandal that Jewish society always tried to avoid. Marriage was meant to perpetuate the Jewish people, and therefore must be regulated by responsible persons; it was a matter of communal interest, not a personal issue.

When the local rabbis saw that their authority was not sufficient to free 'Azizah from the marriage, they turned to Rabbi Eliyahu Mizraḥi; but he tried to avoid becoming involved in the case. Nevertheless, because of its importance and the wish to reinforce the principle that *qidushin* should be made only in the presence of the father or other male members of the woman's family, great pressure was put to bear on Mizraḥi to express his opinion.

After the sultan's physician, Yosef Hamon,[80] called on Mizraḥi and pressed him to give his opinion, Mizraḥi finally declared that the

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78 Mizrahi, *Responsa*, 15:32–35 (doc. 5 below); 57:176–92 (doc. 13 below); 85:270 (doc. 19 below).

79 See pp. 76, 78, ref. 59 above.

80 On Yosef Hamon, see below, p. 208–209, 211.

qidushin had never taken place and that the girl was free to marry whoever she wanted. In addition, he said:

> It would be proper for the holy community of Tire to excommunicate Ḥayim Dutul for spreading an ugly rumor about the modest girl, and for him to remain excommunicated until he repents for his sin, and comes to the synagogue in the presence of the entire holy congregation and admits his sin and asks the forgiveness of the Lord, may He be blessed, and of His holy Torah, and of all the holy congregation, and then he will have his remedy; and if he does not accept what the congregation decrees, then we should declare him banned in each and every community under the government of our master the king, may his glory and splendor be elated, and all the people will hear and see, and nobody will think to do such an evil deed, and whoever listens to me will live securely and peacefully.

Thus, although Yosef Hamon never held official authority over the Jews of Istanbul, let alone those of the entire empire, he was able to use his power in order to influence the molding of social policies. He asked the Romaniot *rav ha-manhig* to exercise his authority, which was otherwise not recognized outside the Romaniot congregations of Istanbul; Mizraḥi's appointment with the *hurmana demalka* became valid and useful.

The careful reader of this document cannot overlook Rabbi Eliyahu Mizraḥi's modesty. He did not excommunicate Dutul; rather, he recommended that the community of Tire do so, and if Dutul did not repent "then we should declare him banned in each and every community." Although the intention was undoubtedly to intimidate Dutul and others into complying with a supracommunal authority, the alleged bearer of that authority apparently did not dare or desire to test it.[81]

The leaders of the Sephardi congregations seem to have formed a supracongregational institution from an early stage after the settlement. This organization also prevented the founding of common voluntary societies with the Romaniots, in order to ensure the interests of the Sephardi congregations.[82]

Aside from the ad hoc conventions of the Romaniot leaders and separate compacts of the Sephardi leaders, there were issues which needed the agreement of the leadership of the entire Jewish community. One of these was the determination of each congregation's share of the

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81 Mizrahi, *Responsa*, 24:63–74.

82 Ibn Ḥayim, *Responsa, Mayim 'Amuqim*, 71:119b (doc. 11 below).

taxes demanded by the Ottomans.[83] Moreover, decisions on matters of morals and political issues carried no weight unless they were recognized by the whole community.[84] Then there were the Jewish regulations of the *ḥazaqot,*[85] designed to strengthen the Jewish community economically vis-à-vis the Gentiles; for example, a Jew was forbidden to bid for Gentile-owned property already rented by another Jew, or to try to induce a Gentile away from a long-term business relationship with another Jew. A permanent supracongregational tribunal (*dayanei ha-ḥazaqot*) which dealt with matters of *ḥazaqot* on immovable property rented from Gentiles was an outcome of these regulations.[86]

All of these matters required obedience to a supracongregational authority, and acceptance of the idea that beyond the narrow interests of individuals and small organizations there was the overriding importance of the Jewish community as a whole. The fact that the congregations did not always agree among themselves indicates that the power of the individual congregations was the main factor in shaping the Jewish community of Istanbul.

The Jewish community in sixteenth-century Istanbul reflected these opposing forces: a centrifugal force that pushed the members outward, causing splitting and diffusion among the congregations, and a centripetal force that molded the community into a supracongregational structure and pressured members to remain attached to their congregations.

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83 See, for example, the sources cited on p. 27 and pp. 80–83 above.

84 On the decision that the Cordova Congregation's covenant against card games was valid only for members of that congregation, see Mizrahi, *Responsa*, 13:29–30 (doc. 4 below). On the efficacy of regulations in which differences between the customs of Sephardim and Romaniots were at issue (they depended on an agreement among all of the congregations in Istanbul or even all of the communities in the empire), see Mizrahi, *Responsa*, 17:48–49. On the heated dispute over the validity of the covenant to ban the port of Ancona, see Ẓonẓın, *Responsa*, *Nahalah lı-Yhoshu'a,* 12:12b–17b; 39:44b; 40:45b–47a.

85 On the *ḥazaqot* and their regulations, see above, p. 20.

86 Benayahu, "Ascamot," 57, 62–64; Rabbi Avraham HaLevi, *Responsa*, *Gınat Veradım*, vol. 2, *Ḥoshen Mıshpat*, 6.1:153a–154b.

CHAPTER SEVEN

INTER-ETHNIC ENCOUNTERS

During the past five hundred years, the Iberian Jews have assimilated almost all of the other ethnic Jewish groups in Istanbul—the Ashkenazim, the Italians, the French, and especially the Romaniots. The only group which still zealously keeps its distinctiveness is the Karaite community—although this, too, changed substantially over the years. Originally a Romaniot (Greek-speaking) group, the Karaites were swallowed by immigrants from the Crimea in the nineteenth century and became a *Krimçak* (Turkish-speaking) community.

SEPHARDIZATION OF THE JEWISH COMMUNITY: DIMENSIONS AND LIMITS

In the sixteenth century, the two main Jewish groups in Istanbul were the Romaniots and the Iberians. Ottoman surveys indicate that the Romaniot population declined between 1535 and 1688. What caused this surprising development, and when did it happen? The main barriers between the Romaniots and the newcomers were religious rites and language. In many smaller Ottoman cities, other groups accepted Iberian rites by the second half of the sixteenth century;[1] in Istanbul, however, the local population preserved Romaniot religious customs for a longer period.

The fact that they were *sürgün* was an even more important reason behind the preservation of their traditional prayers—first, because the restrictions on their freedom of movement diminished their ability to assimilate by moving to other neighborhoods, and second, because these restrictions made newcomers reluctant to marry them.[2]

The second barrier was language. In 1478 there were 8,951 Muslim households in Istanbul and 3,151 Christian households, not including

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[1] Hacker, "Pride and Depression," 571–79; M Rozen, "Individual and Community in Jewish Society in the Ottoman Empire: Salonika in the Sixteenth Century," in A. Levy, ed., *The Jews of the Ottoman Empire* (Princeton: The Darwin Press, 1994), 217–20.

[2] On the reluctance of the *kendı gelen* to marry the *surgun* because of their restricted freedom of movement, see Mizrahi, *Responsa, Mayım 'Amuqım*, 1:1a (doc. 7 below).

the Armenians.[3] R. Mantran estimated the non-Muslim population (Greeks, Armenians, and Jews) in 1691 at 42 percent.[4] According to the Ottoman census, the city was 47.9 percent Muslim in 1830–1840.[5] Through the centuries, therefore, close to 40 percent of the population spoke Greek. This cultural and linguistic environment should have preserved the Romaniot identity in Istanbul. Why was this not the case? Although we have no accurate tools for determining the extent and pace of the decline in Romaniot numbers, we do have some clues.

At the beginning of the sixteenth century, the Spanish Jews were still struggling with the Romaniots over such basic issues as the right to a proportionate amount of the meat supplied to the Jewish community. At the same time they kept their own rites and customs, and did not recognize the authority of Rabbi Mosheh Capsali or Rabbi Eliyahu Mizraḥi if it did not suit them.[6]

But by the time of Rabbi Eliyahu Mizraḥi's death, there apparently was a conflict between Spanish and local customs. For example, in connection with the Jewish custom of chanting elegies on the eve of the Hebrew new moon, Rabbi Eliyahu HaLevi was asked about the Spanish practice of doing this even when a new moon fell on a Saturday. Rabbi HaLevi reproached the questioner, responding that mourning on Saturday was strictly forbidden. Both the query and the responsum indicated that Romaniot customs were on the defensive.[7]

The urge to defend their special traditions vis-à-vis the Iberian Jews must have been the driving force behind Rabbi Eliyahu HaLevi's initia-

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[3] Inalcik, "Ottoman Galata," 97. Galata has not been taken into consideration, since there were no Jews there at the time of the survey.

[4] R. Mantran, *Istanbul dans la seconde moitié du XVIIe siècle* (Paris, 1962), 44–47.

[5] D. Panzac, *La peste dans l'empire ottoman, 1700–1850* (Louvain: Editions Peeters, 1985), 276.

[6] On the dispute over the meat supply, see Mizrahi, *Responsa, Mayim 'Amuqim*, 22:17a. On the dispute over the Sephardi scholars' fashion of wearing the *sudar* (a kind of scarf) on Saturday, see Hacker, "Chief Rabbinate," 243–44, 248. The first Iberian settlers agreed to Rabbi Capsali's demand that they not do so, but just before his death (ca. 1497); those who arrived later refused. On Rabbi Mizrahi's acceptance of the fact that if the teachings of Iberian scholars were different from his, they could not be compelled to obey his decision, see his *Responsa*, 57:192 (doc. 12 below). On the other hand, when it suited them, the Sephardi *ḥakhamim* did ask his opinion and when they liked it, they accepted it even if the decision was against Sephardi custom—as in the question of whether a woman could get a divorce based on her complaint that she loathed her husband (*mais 'alai*). Although Iberian custom allowed it, Romaniot custom forbade it, and the new immigrants accepted the local rule (Mizraḥi, *Responsa*, 28:77 and below, p. 165). See the discussion on the Maskut Scandal, above pp. 84–85, 163.

[7] HaLevi, *Responsa, Zeqan Aharon*, 38:36a.

tive to publish, in 1510, the Romaniot *maḥzor*—the annual book of prayers according to the Romaniot rites, which until that time was found only in manuscript form in the libraries of a few rabbinical leaders of Romaniot congregations.[8] Since the Romaniot leaders wanted their flocks to retain their special identity, they realized that they had to take special measures to encourage this.

While Iberian customs were making inroads on Romaniot rites, the Greek language was very much alive among the Romaniot Jews of Istanbul, at least until the middle of the sixteenth century. In the summer of 1557, Eli'ezer ben Gershom Soncino printed a Pentateuch with translations into Spanish and Greek, in Hebrew characters, for young students. The rationale for such a book was that Greek and Spanish (in that order) were the "two commonly used languages among our people ... who dwell in the lands of the Ottomans."[9]

Rabbi Yosef Ibn Lev noted as early as the 1570s that Istanbul's organization differed from that of Salonika. Each language group in Salonika had its own congregation, he wrote, while in Istanbul people moved from one congregation to another. The rabbi may have been exaggerating in order to strengthen his case, but at least it indicates that the boundaries between the congregations were not impermeable.[10]

People may have had to move to congregations in which the language and the rites were different from theirs because of fires (which often dislodged large numbers of congregants) or interethnic marriage. Great fires that ruined the southern shore of the Golden Horn in 1539 and 1554 must have caused many Jews to move to areas where they had no choice but to join congregations whose customs differed from theirs.[11] The 1569 fire in what became Yeni Cami triggered a movement of Jews to Hasköy and elsewhere even before the mosque was built.[12]

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8 Ya'ari, *Hebrew Printing*, 68. On the prayer book, the earlier handwritten versions, and later editions, see also D. Goldsmith, "The *Mahzor* Romania" (in Hebrew), *Sefunot* 8 (1964), 205–236.

9 Ya'ari, *Hebrew Printing*, 102–103.

10 Ibn Lev, *Responsa*, vol. 2, 72:179.

11 The fire of 1539 must have been the one mentioned in the Istanbul regulations of the *ḥazaqot* (Rabbi Avraham HaLevi, *Responsa, Ginat Veradim* [Istanbul, 1716], vol. 2, *Hoshen Mishpat*, rule 6, 1:153a–54b; cf. Medina, *Responsa*, *Hoshen Mishpat*, 438:81b, which mentions three great fires within twenty-six years (ca. 1550–1580). See also Benayahu, "Ascamot," 62–64. For maps of the areas destroyed by fires over the generations, see N. Atasöy, "The Survival of Iznik Pottery in Istanbul," in N. Atasöy and J. Rabby, eds., *Iznik* (London: Alexandria Press & Thames and Hudson, 1989), 16–17.

12 *EI*[2], s.v. "Istanbul"; Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 91; Evliya Çelebi, *Seyahatname*, vol. 1, 413–14; cf. Danon, "The Karaites," 277–80.

Table 2. Ethnic Distribution in Hasköy Cemetery, 1582–1700

	1582–1608		1609–1623		1624–1700	
	N	%	N	%	N	%
Iberian	16	21.9	5	23.3	259	29.1
Romaniot	23	31.5	4	14.2	119	13.6
Ashkenazi	5	6.84	2	9.0	78	8.9
Italian	2	2.7	0	0.0	10	1.1
Middle Eastern (*mızrahıyım*)	0	0.0	0	0.0	30	3.4
French	1	1.35	0	0.0	7	0.8
Maghrebi	0	0.0	0	0.0	6	0.68
Iberian & Romaniot	2	2.7	1	4.5	24	2.75
Ashkenazi & Romaniot	0	0.0	0	0.0	4	0.45
Italian & Romaniot	2	2.7	0	0.0	5	0.57
Iberian & Italian	0	0.0	0	0.0	0	0.0
Ashkenazi & Italian	0	0.0	0	0.0	0	0.0
Iberian & Ashkenazi	0	0.0	0	0.0	0	0.0
Iberian & Middle Eastern	0	0.0	0	0.0	3	0.34
Romaniot & Middle Eastern	0	0.0	0	0.0	2	0.22
French & Iberian	0	0.0	0	0.0	0	0.0
Maghrebi & Iberian	0	0.0	0	0.0	0	0.0
Unknown	22	30.0	8	38.0	324	37.1

The large number of people bearing the surname Istamati[13] reflects the migration of Romaniot Jews from Samatia to Hasköy. Although these factors can explain how the Romaniots were eventually assimilated by the Iberian group, they provide little information about the pace of the Romaniots' Hispanization during the first half of the sixteenth century.

An analysis of gravestones in the Hasköy cemetery provides some indication of interethnic marriages in the Jewish community. The study covered 28 lots comprising 17,500 square meters. Among the 4,814 readable stones, 966 were from the years 1582 through 1700. Of these stones, 63 percent bore names which could be clearly associated with ethnic origins. Table 2 shows the distribution by ethnic origin of the names on these 966 stones, in three periods which correlate with the Ottoman surveys in 1582–1608, 1609–1623, and 1624–1700. Names indicating mixed marriages are included. The margin of error is rather large because of the great number of unidentified names.

Another point to take into account is that most Middle Eastern Jews (mainly bearing the name Mizraḥi) should be considered Romaniots.

13 *TAU Documentation Project.*

Table 3. Ethnic Distribution in Hasköy Cemetery Compared with the Ottoman Census of Jews in Istanbul

	Hasköy Cemetery		Ottoman Census
	% of all stones	% of identifiable stones	% of Istanbuli Jews
	1582-1603		*1603-1608*
Romaniot	31.5	45.0	55.6
Ashkenazi	6.48	9.8	5.9
Iberian	21.9	31 3	38.5
	1609-1623		*1623*
Romaniot	14 2	30.7	57.0
Ashkenazi	9.0	15.3	1.5
Iberian	23.3	38.4	41.5
	1624-1700		*1688*
Romaniot	13.6	27.1	27.8
Ashkenazi	8.9	14.2	4.1
Iberian	29 1	46.3	68.1

These were Jews who had immigrated to the city before the expulsion and were identified by the local Jews as Easterners. Since their number was very small, they were culturally absorbed by the Romaniots.

Table 3 compares the ethnic distribution in the Hasköy cemetery with Jewish ethnic distribution in the Ottoman censuses of Istanbul. It shows the uniqueness of the Hasköy and Galata quarters, which were populated mainly after the settlement of the Iberian Jews. The percentages of names of mixed Iberian-Romaniot and Iberian-Eastern origin are not very high and do not change much: from 2.7 percent in 1582–1608 to 3.09 percent in 1624–1700 (table 2); this can be explained by the simple fact that such marriages were not so common during the period surveyed. Yet this fact might also suggest an explanation for the decrease in Romaniot numbers over time. When mixed marriages took place, the Romaniot side was culturally recessive, while the Iberian side was dominant.

In 1555 Rabbi Yehoshu'a Ẕonẓin, who was of Italian origin, served as the leader of a Spanish congregation; this indicates that the question of his origin, customs and rites could not have been very important when his candidacy was being considered.[14] On the other hand, during

[14] Ẕonẓin, *Responsa, Nahalah li-Yhoshu'a*, 40:46b.

the famous boycott of the port of Ancona, he clearly identified himself with Italian interests. He maintained that the attitude of the Italians was different from that of the Iberians because of their distinct origin and self-definition, while the Romaniots were more or less indifferent.[15]

To sum up: in the first half of the sixteenth century, Iberian cultural and demographic pressures became increasingly intense, but there were still separate, well-defined ethnic groups. The Ashkenazim and especially the Romaniots still maintained their special characteristics and customs.

Iberian Jews and the Spanish Nation

The Iberian immigrants had gone through a very painful process of settlement and adjustment in a new world. The official language, Turkish, was unknown to them, as was the local language, Greek. Their new home was the meeting ground of Greek and Turkish cultures, of which at least one (Turkish) was totally alien to them. The newcomers thought very highly of themselves and their Spanish culture; although they had been evicted from the land they regarded as their home, they remained tied for generations to the memories and culture of their origin. This was reflected in their sense of identity.

As time passed, the Iberian Jews felt increasingly part of their new homeland, but at the same time they retained a strong feeling of being part of the Spanish Nation, meaning the Jewish-Spanish Nation. Until the beginning of the twentieth century, the term "Spanish" meant "Jewish" in Turkey and the Balkans.[16] Thus, whoever spoke Spanish or had a Spanish or Iberian name was immediately identified as a Jew. When the national states were founded on the ruins of the Ottoman Empire, much of this cultural identity was erased.

The question of their identity occupied the Iberian Jews immediately after they were uprooted from their homeland. They conducted intense legal discussions on the essentially sociopsychological rather than legal question: "Who are we?" The Iberian immigrants had to deal with this issue because they needed to clarify who belonged to their group and because they wanted to strengthen it. They discussed this problem not

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15 Ibid., 47a. See also p. 98 below in general.

16 On the state of Sephardi culture and language at the end of the nineteenth century and beginning of the twentieth, see E. Benbassa and A. Rodrigue, *Juifs de Balkans, espaces judéo-ibériques XIVe-XXe siècles* (Paris: Editions La Découverte, 1993), 174–98.

only among themselves, but also with the members of other Jewish ethnic groups. Although it was put on the public agenda shortly after the resettlement, its roots went far back to a time long before the expulsion.

The expulsion destroyed a social fabric that was 1,000 years old. Families were broken up and social ties were dissolved by the physical separation, creating a number of urgent problems under Jewish law (*halakhah*).

One of them involved widows who had not borne a son. If a woman's late husband had a brother, Jewish law called for levirate (from the Latin *levir*, husband's brother); the widow and her brother-in-law must marry so she could bear a male child to carry on the name of the dead man (in Hebrew, *yibum*)—unless the widow could persuade the brother to annul his obligation to marry her (*ḥaliẓah*).

But what if an immigrant widow needed *ḥaliẓah* from a brother-in-law who had stayed in Iberia and converted to Christianity? Should she wait until he came to release her? Or was he, being a convert, cut off from the Jewish people and considered as dead, which meant that the widow was free to remarry? Rabbi Ya'aqov Ibn Ḥaviv, speaking for the Iberian rabbis of Salonika, noted the Jewish legal maxim that a Jew remained a Jew even if he had sinned; conversion did not annul the Jewishness of the *anusim* (coerced converts) in regard to certain legal actions. The rationale was simple: "Tomorrow they [the *anusim*] will come here, and how can we oust them now by judging them to be utter apostates?"[17]

Ibn Ḥaviv's motive was emotional, not legal, and revealed the attitude of the first generations after the expulsion regarding the boundaries of the Jewish community. If he let these women marry, he would be saying, in effect, that his beloved relatives and friends back in Spain were no longer Jews, and that he was cutting the bonds that connected him with them. This was something he could not do, even though the decision effectively condemned the widows to a state of *'aginut* (the "chained" or limbo status of a woman unable to remarry for lack of a Jewish divorce).

Rabbi Mosheh Capsali, a Romaniot, believed that such women should be freed from their chains. Aside from the legal considerations, Capsali declared, anyone who forced female returnees to Judaism into a state of *'aginut* caused them to reconsider their desire to return to the fold. Such a scholar, he said, despised the *anusim* and should be viewed

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17 Mizrahi, *Responsa*, 47:123.

as one who intentionally and maliciously drove these women to sin.[18] He did not give much thought to the question of the *anusim* who remained in Spain or Portugal, but considered only those who returned to the world of Judaism. Rabbi Eliyahu Mizraḥi, also a Romaniot, was of the same opinion as Capsali. Since his "brothers" were not *anusim*, he had no problem in declaring that *anusim* were not Jews. He claimed that there was a difference between brotherhood in the sense of blood relation and brotherhood in the religious-legal sense; once a person converted, he said, the latter was forfeited. Thus, he exempted the widows from levirate.[19]

Ibn Ḥaviv's decision was of great importance to the generation of expellees. The boundaries of the Jewish people encompassed not only those who managed to escape from "the place of subversion" (*meqom ha-hafekhah*), he said, but also those who, for one reason or another, were compelled to stay. He believed that those who stayed behind were not at peace with their way of life, and were looking for a way to change it. For him, a Jew was anyone born to a mother from Jewish seed, even those who lived as Christians in Spain or Portugal. Thus, Ibn Ḥaviv's decision (which was inconceivable for a non-Spanish rabbi), asserted that the New Christians as well as the immigrants from the Iberian peninsula belonged to the Nation. The Nation, for Ibn Ḥaviv and all other Iberian Jews, meant the Jewish-Iberian Nation.

The Jewish-Iberian concept of the Nation paralleled the Christian-Iberian concept of the Jewish Nation. The Spanish Jews in the Ottoman Empire regarded the New Christians in the Iberian peninsula and in other Christian lands as their brothers in every way, and so did their Christian neighbors. In their eyes, a New Christian remained a Jew even though he meticulously followed all the practices of the Christian religion. This viewpoint persisted for generations after the expulsion. Strictly guarding the Spanish family's *pureza de sangre* (purity of

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[18] Matatyah, *Responsa, Benyamin Ze'ev,* 78:141b. Interestingly, Ze'ev ben Matatyah, a Romaniot rabbi in Arta, came across Rabbi Mosheh Capsali's responsum after the latter's death and gave a contradictory opinion. He expressed wonder that anyone could see the New Christians as non-Jews, since they married only among themselves, and kept the Sabbath and the other commandments as far as possible (74:140a; 75:141b–42b). Later, however, Matatyah forbade the sons of fathers who had stayed in the Lands of Idolatry to mention the names of their deceased fathers when they were called to read the Torah or when they signed their names; thus, he expressed the same emotional detachment as had Mizrahi and Capsali (204:300a). See also Rabbi David HaKohen mi-Qorfu, *Responsa* (Istanbul, 1537), 24:170a–80b; 9:87b–98b; 28:188a–94a.

[19] Mizrahi, *Responsa*, 47:123–27.

blood) was the most important way of preserving its good name (*honra*); Spaniards took care not to marry New Christians, and kept long pedigrees to prove the purity of their blood.[20]

The concept of a Jewish Iberian entity was created both by its members and by the values and culture of the society from which it emerged. The enormous pressures on the New Christians helped give them a deep sense of solidarity and common destiny. They invested substantial efforts in helping each other. Those who succeeded in reaching the shores of Italy went to great lengths to rescue those who stayed behind on the peninsula, and Jews who settled in the Ottoman Empire did their best to help those who remained in Christian lands. The most famous activity of this kind was probably that of Don Yosef Nasi and his aunt, Doña Gracia, whose network of agents helped New Christians escape from the Iberian peninsula to safety in the Ottoman Empire between the 1540s and 1560s.

Many New Christians who emigrated from Iberia after having been born into Christianity felt no urgency to move somewhere outside the "lands of idolatry." They accepted their double identity, or settled for a Christian ruler's promise that their religious past would not be investigated. Although Jewish law held that a Jew should choose death rather than give up the practice of Judaism, these people realized that the sky had not fallen on them and that life went on as usual despite their transgression. This made it necessary to redefine the boundaries of the Jewish-Iberian entity.

Such redefinition was not easy. The *halakhic* decision upholding levirate even when a widow's brother-in-law was in the Iberian peninsula was ratified again in the middle of the sixteenth century, but only with great misgivings. The variance between the decision of Rabbi Ibn Ḥaviv at the beginning of the century and the reality of the situation five decades later is obvious in the writings of the *halakhic* authorities in the latter period. In 1555, Rabbi Shemuel de Medina of Salonika

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20 From the rich bibliography on this subject, see, for example, A. Sicroff, *Los estatutos de limpieza de sangre* (Madrid: Tauros, 1958); J. Hernández Franco, "Cultura de elites y estratificación social en la España Moderna. Aproximación metodológica a traves de los estatutos e informaciones de limpieza de sangre," in idem (ed.), *Familia y poder Sistemas de reproducción social en España (siglos XVI–XVIII)* (Murcia: Universidad de Murcia, 1995), 81–100; A. Cabeza Rodriguez, "Grupos excluidos y formas de asimilación y reproducción social. El ejemplo de lá catedral de Palencia en la época moderna," in ibid., 101–126; B. Netanyahu, *The Origins of the Inquisition Fifteenth Century Spain* (New York: Random House, 1992), 987–89; see also s.v. "racism" in the index.

dealt with the case of *anusim* who had left the peninsula but had not moved to a Jewish locality; instead, they had settled in the Low Countries, where they believed the hand of the Inquisition would not reach them.

He wrote: "The *anusim* of our time have regret in their hearts, and their eyes and hearts are in quest of an opening for returning to God whose forgiveness is great." But in the same responsum he admitted that not all New Christians should be measured by the same standards; he was reluctant to consider them all as part of the Jewish Nation:

> Those *anusim* reached by the sword of coerced conversion (*shemad*) who stayed many years among the same Gentiles who decreed the conversion, and did not save their souls from the *shemad* by escaping to another country in which they would be able to worship God with no fear: it is worthwhile to inquire thoroughly into their cases. If there are among them some who could have escaped and saved their souls from the *shemad*, but instead converted unwillingly and in time unloaded from themselves the heavenly yoke, then they have cut the chains of the Torah and of their own free will they follow the laws of the Gentiles, transgressing all the commandments of the Torah and even persecuting the Jews.[21]

These *anusim*, wrote Rabbi Shemuel de Medina, had no share in the Nation of Israel. Furthermore, even those who preferred to settle in the Low Countries instead of the Ottoman Empire were of dubious Jewishness because "they are more apostates and Gentiles in the Low Countries than in Portugal." This statement was based on Medina's evaluation that, in Portugal, New Christians who wanted to maintain their adherence to Judaism had to make a special effort to do so, even to the point of endangering their lives and property. However, once they reached the Low Countries, where they were free to practice Judaism, whether and how much to change their way of life in order to be observant Jews became a matter of choice. When coercion was not present, they were not enthusiastic about performing the commandments of their old-new religion, but were satisfied with simply declaring themselves to be Jews.

The fact that Rabbi Shemuel de Medina was born in Salonika in 1506 and thus was a second-generation resident of the Ottoman Empire might explain the weakening of his emotional bond to the New Christians.[22] On the other hand, the newcomers who arrived in the Ottoman Empire in the middle of the sixteenth century felt the same kinship to-

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21 Medina, *Responsa, Oraḥ Hayim*, 10:5b–7a.

22 Compare also with Ibn Lev, *Responsa*, vol. 1, 26:86–87.

ward their brothers in the Iberian peninsula and elsewhere as did the immigrants of the expulsion generation.[23]

A striking example of the difference between the attitudes of second-generation immigrants and those of the new immigrants toward their brethren in Christian lands can be seen in the boycott of Ancona in the Papal State. From 1547 onward, a group of New Christians from Portugal had been allowed to practice their Jewish religion freely in Ancona. But in 1555, when Paul IV ascended to the papacy, he changed the Holy See's policy toward Jews in general and the Portuguese Jews in Ancona in particular. Because they had lived as Christians in Portugal and then practiced Judaism openly in the Papal State, they were arrested, tortured and tried as apostates. Thirty-eight returned to Christianity and were sentenced to work as oarsmen on galleys; one committed suicide; and twenty-four were burned at the stake in the public square of Ancona.

The Nasi family, which was well established in Istanbul by then, made great but futile efforts to rescue some of the prisoners by claiming that they were Ottoman subjects. After the burning of the prisoners, the Nasi family organized a boycott of the port of Ancona; it was intended to divert the Adriatic trade to neighboring Pesaro, in the Duchy of Urbino, where some of the Portuguese Jews had found a haven. However, there was no consensus among the Jews in favor of the boycott. Many Jewish merchants gave priority to their business interests, declining to demonstrate Jewish solidarity, while others complained that the boycott put the Jews of Ancona in danger.

The internal dispute in the Jewish community revolved around two issues: the struggle of the Nasi family to rule over the Jews of the Ottoman Empire (or at least those of Istanbul), and identification with the Jewish Iberian entity. The question was whether the show of solidarity was worth endangering the Jews of Italy and the economic interests of the Ottoman Jews. The Romaniots in Istanbul showed very little concern about the issue; since they did not trade with Italy or have relatives there, they did not mind signing the boycott pact. The Portuguese Jews in Istanbul, having recently escaped from Christian lands, signed the pact enthusiastically because it avenged the blood of their brothers and their business associates. Among the long-established Spanish congregations in Istanbul, however, there was no unanimity. But the strongest

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23 However, even in Ferrara in 1567, in the midst of a community of new returnees to Judaism, a family turned to the rabbis of Fez to free a young girl whose fiancé had returned to Spain and married a Christian girl (*Responsa, Matnot ba-Adam,* ed. Y. Boksenboim [Tel Aviv: Tel Aviv University, 1983], 132:205).

opposition to the boycott was expressed by the Italian congregation, whose members were concerned about their brethren in Italy. Rabbi Yehoshu'a Ẓonẓin, the Italian who presided over a Spanish congregation, expressed the viewpoint of non-Iberian Jews toward Iberian Jews who had chosen to stay in the lands of idolatry instead of settling in the Ottoman haven:

> It cannot be said that it is a commandment to ratify this covenant in order to avenge the spilt blood of our brethren. These Jews used to live according to the laws of the Gentiles in Portugal, and came to live under the wings of the Holy Presence (*Shekhinah*) according to the laws of Moses and Judith [sic]. They should not have made their residence in the lands of the Gentiles, even though they were given all sorts of promises, since it is a well-known fact to every person of reason that the Gentiles would take revenge on them because they had denied their faith. They brought the damage upon themselves, and lost their lives with their own hands...and for that reason they have sinned themselves, and there is no reason to mourn them or to avenge their blood.[24]

The split among the Jews over the boycott reflected not only differences in economic interests, but also changes in the conception of the Iberian entity in the eyes of the Iberian Jews themselves during the sixty-four years since the expulsion. On one hand, the descendents of the expulsion generation were going through a process of emotional detachment from their brothers in Christian lands. They believed that those who stayed behind obviously did not fear for their souls or their religion. But among the newcomers, on the other hand, the emotional attachment was still strong and vibrant. To them, whoever was from the seed of Jews—whether under the yoke of the Inquisition or in the lands of Islam, whether practicing Judaism openly or not—was still part of the Jewish Iberian Nation.[25]

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24 Ẓonẓin, *Responsa, Naḥalah li-Yhoshu'a,* 39:45a.

25 Rozen, "Self-Definition"; idem, "Collective Memories and Group Boundaries: The Judeo-Spanish Diaspora and the World of Islam," *Michael* 14 (1997): 35–52.

CHAPTER EIGHT

PATTERNS OF SOCIAL BEHAVIOR: THE FAMILY

Exploring the evidence concerning the family history of Istanbul Jewry, one gains the impression that, although Sephardi Jews made up but forty percent of that community in the generation after the expulsion, the upheaval and trauma experienced by this particular group determined important characteristics of the Jewish family in general for generations to come. The Jewish Iberian family was broken and dispersed partly in the course of events in Spain and Portugal, and partly on the way to the Ottoman lands. This whole chain of events is called *shemad* in Hebrew, which can mean either conversion to another religion or physical extermination. This double meaning can be fully comprehended only within the context of a more comprehensive discussion of the fate of the Jewish Iberian family.

CRISIS AND TRADITION

The first crack in the family cell was the decision of some family members to convert and stay rather than emigrate after the expulsion was decreed in 1492. Some families set out for Portugal, Italy or the Ottoman lands without one of the parents, while others left without some or all of their grown children. Betrothed couples broke their engagements, and bonds which seemed eternal were cut within days.[1]

A great many of the expellees who crossed the Strait of Gibraltar to Morocco underwent horrible experiences.[2] But it seems that the events which took place later on in Portugal imprinted the Jewish historical memory and determined the expellees' conception of the Jewish family. Only a small number of the 120,000 Jews who crossed the border from

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[1] H. Beinart, *The Expulsion of the Jews from Spain* (in Hebrew) (Jerusalem: The Magnes Press, 1994), 232–40.

[2] Beinart, *Expulsion*, 259–64; *Hashlamat Sefer ha-Qabalah le-Rabbi Avraham mi-Trutiel*, in A. David, ed., *Two Chronicles from the Generation of the Spanish Exiles* (in Hebrew) (Jerusalem: The Zalman Shazar Center, 1979), 38–39; Rabbi Gedaliah Ibn Yaḥya, *Shalshelet ha-Qabalah* (Venice, 1587), 115b, 116b; Rabbi Yosef ben Yehoshu'a HaKohen, *Divrei ha-Yamim le-Malkhei Ẓarfat u-Malkhei Beit Ottoman* (Sabionetta, 1554), 49a; Ibn Verga, *Shevet Yehudah*, 120–25.

Spain to Portugal were allowed to stay on a permanent basis (a permanency that proved to be very temporary); most of them were permitted to stay for only eight months.[3]

Since most of them were unable to leave, and they did not wish to convert, their situation became impossible and eventually dangerous. Hundreds of children from these distressed families were taken by force in 1493 and shipped to the island of São Thome, near the west coast of Africa in the Bay of Guinea. Different numbers are given by different sources—from 700 to 5,000 children—but even if the lowest number is correct, it means that hundreds of families lost their children. The ages of these children are also uncertain. Portuguese and Hebrew sources claim that the children were between two or three and ten years old. Rabbi Eliyahu Capsali gives another age range—ten to fifteen. The sources do not give many details about what happened on the island, but they revolve around similar themes: Most of the children died of thirst and illnesses, and those who did not were eaten by crocodiles.

The declared intention was to create a civilized settlement on the island, which had been discovered in 1470 by Portuguese sailors. However, descriptions of the fate of the children in the jungles of the island were used to persuade other parents to convert along with their children, in order to save them from such a horrible end. Among the few survivors, brothers were said to have ended up mating with their sisters; whether this last detail is historical fact or mere guesswork, it remained in Jewish historical memory because the group felt that the basic norms of its existence had been annihilated. The new generation was in no position to ensure the continuity of the Jewish people, since its nuclear basis had been destroyed.[4] "Sending our children to the islands of the

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[3] On the negotiations with Juan II and the end of Portuguese Jewry, see S. Usque, *Consolations for the Tribulations of Israel,* trans. M.A. Cohen (Philadelphia: The Jewish Publication Society, 1977), 200–201 (the Portuguese original, *Consolaçam as Tribulaçoens de Israel,* was first published in Ferrara, 1553); Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 221–23. See also discussion in A. David, "The Historiographical Work of Gedalya Ibn Yaḥya, Author of *Shalshelet ha-Qabalah*" (in Hebrew) (Ph.D. diss., the Hebrew University of Jerusalem, 1976), 109–115; cf. A. Marx, *Studies in Jewish History and Booklore* (New York, 1943), 86, 101; M. Kayserling, *Geschichte der Juden in Portugal* (Leipzig, 1867), 108–17; Z. Graetz, *History of the Jews* (in Hebrew), trans. S.P. Rabinovitch (SPR), vol. 6 (Warsaw, 1902–1908), 378–81; Tishbi, *Messianism*, 15–16, 25–36, and refs. See also pp. 48–49, refs. 8–10 above.

[4] On the exile of the children to São Thome, see Ibn Verga, *Shevet Yehudah*, 125; Usque, *Consolations*, 201–202; Buaron, *Expulsions*, 38; Rabbi Avraham mi-Trutiel, *Hashlamat*, 37; Yosef HaKohen, *History*, 49a; Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 222; David, *Historiographical Work*, 111 and refs.

snakes"[5] or "My children were sent to the lizards"[6] became images that reflected the horrors suffered by Iberian Jewry in the generation of the expulsion. The cynical use of the children, the symbol of both personal and national future, became the hallmark of Christian repression against the Jews.

Along with the loss of the holy books, the tragedy of the children was considered one of the two great losses of the generation, since it was felt that both endangered national continuity. At the end of 1496, King Manuel I ordered the expulsion of the Jews from all his lands within a year; however, in the knowledge that this would damage the local economy, immediate measures were taken to minimize its effect. Children from all over the country were taken by force from their parents, baptized and adopted by Christian families. Many of the parents followed their children in order to get them back. Others committed suicide together with their children. Those who persisted, some 10,000, were concentrated in the courts of the royal palace in Lisbon, where they were kept for four days without food until all except forty people accepted baptism.[7]

Giving up children in order to keep the faith was not the only trauma these people underwent. Families lost children when traveling, by sea or by land, from hunger and disease. Some family members were sold into slavery to save others. Most of the sources mention, some clearly and some by innuendo, both rape and prostitution. These references do not necessarily attest to the extent of these experiences; it would be more correct to understand them as expressions of the devastating influence they had on Iberian Jewry's self-perception. It meant personal and national humiliation, violation of the sanctity of the Jewish family and the Jewish people,[8] and the collapse of the entire value system on which the family was based.

The crisis produced both physical and psychological outcomes that affected the expellees in the lands where they settled. There were many single men and women who had lost their families and were anxious to

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5 Buaron, *Expulsions*, 38.

6 Usque, *Consolations*, 201–202; Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 222; R.J.Z. Werblowsky, "A Collection of Prayers and Devotional Compositions by Solomom Alkabetz" (in Hebrew), *Sefunot* 6 (1962): 152.

7 Rabbi Avraham mi-Trutiel, *Hashlamat*, 38–41; Buaron, *Expulsions*, 27–28, 35–43; Usque, *Consolations*, 200–201, 204; Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, 223–29, 233–38; Gedalyah Ibn Yahya, *Shalshelet*, 115b; Tishbi, *Messianism*, 24–36; Benayahu, "Sermons," 143, 180.

8 See Buaron, *Expulsions*, 18.

rebuild their lives;[9] however, *halakhic* problems emerged—mainly those of women who needed to dissolve their marriages because their spouses' whereabouts were unknown or they had remained in the world of Christendom.[10] Many new immigrants abandoned traditional values concerning social classes and pedigrees as they hurried to build new families with spouses whom they would never have taken in Spain or Portugal.[11] After the first shock, however, the old social patterns were reestablished in Istanbul and other centers of immigration.[12]

One psychological outcome of the expulsion crisis was an extreme anxiety about the continuation of the Jewish people in general and the family in particular. The new families were supposed to replace the many children who had been lost. But the realities of Ottoman urban life were not favorable for such a demographic revival. High population density, low standards of public health and endemic diseases caused a very high mortality rate among children. The frustration of the survivors caused by their inability to rebuild their families emerged in their writing as well as in their deeds. Rabbi Yiẓḥaq Caro, a renowned rabbinical scholar, philosopher and medical doctor, managed to leave Portugal together with his family and relatives after 1497. He settled in Istanbul, and apart from a short stay in Manisa, there is no conclusive evidence that he ever left the capital. Nothing definite is known about his source of livelihood in Istanbul, except that he was a teacher, scholar and preacher.[13] Ten of the twenty-five sermons in his book of sermons, *Ḥasdei David*, are dedicated to one subject: the meaning of death.[14]

It would be a shallow interpretation to say that since these sermons were addressed to people he knew and were delivered at the end of the traditional seven days of mourning, it is natural that they dealt with death. However, an ordinary sermon would be more likely to deal with

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9 See, for example, Hacker, "Pride and Depression," 547–55; Benayahu, "Sermons," 202–203.

10 See pp. 95–96 above; HaLevi, *Responsa, Zeqan Aharon*, 17:23b. See also S. Assaf, "The Marranos of Spain and Portugal in the Responsa Literature" (in Hebrew),

11 See especially the sermon of Rabbi Avraham Shamsolo somewhere in Rumelia, cited in Benayahu, "Sermons," 202–203.

12 On the efforts to maintain traditional social values in Salonika, see Rozen, "Individual and Community," 249–50. On the same issue in Istanbul, see Mizraḥi, *Responsa*, 69:236; HaLevi, *Responsa, Zeqan Aharon*, 18:25a; Rabbi Yehoshu'a Ẕonẓin, *Oznei Yehushu'a, Sermons*, (Istanbul, 1677), sermon 59:91a–92b.

13 On his life and work, see Rabbi Yiẓḥaq Caro, *Sermons*, ed. S. Regev (Ramat-Gan: Bar Ilan University, 1995), 935. See also p. 259, ref. 108 below.

14 Ibid., *Sermons*, 1–10: 39–203.

the personality of the deceased. Caro's sermons are a clear search for an answer to the questions: what is the meaning of death? What will become of the soul after death, and will there be reward and punishment on the other side? Is there a possibility of resurrection at the end of days? These are clearly the sermons of a tormented soul searching for the meaning of human existence and fate. The explanation for this state of mind is to be found in the introduction to another book written by Caro, *Toledot Yiẓḥaq* (Yiẓḥaq's History), printed in Istanbul in 1518:

> My book I write for the good of all
> As God in Heaven to witness I call
>
> My sons, I have learned,
> Were but a passing delight
>
> My sons are all dead; their time having passed
> How will my good name be preserved?
>
> A name I shall make for myself after death
> Better than sons, it can not be erased,
>
> *Peshat*[15] and *Derash*[16] on the Torah I write
> By which I will be known from far and wide,
>
> Indeed my generations are only this book
> And so I have called it Toledot Yiẓḥaq.[17]

It is uncertain whether his sons died on the way to the Ottoman lands or in Istanbul, but the fact remains that he failed to continue the line. Hence, what was left for him aside from the consolation of immortalizing himself in a book?

The failure to fill the ranks generated a pervasive feeling that the group was always on the verge of a demographic calamity—a feeling that was accompanied by a deep sense of guilt. More national than personal, it revolved around the idea that the children were dying because the nation has sinned. An impressive expression of this feeling of guilt is the sermon delivered by Rabbi Yosef ben Meir Garson in 1514 in Damascus, under the scourge of a plague which was ravaging the city. The fact that Garson never lived in Istanbul is irrelevant to our discussion. He is a classic survivor of the great *shemad,* and his state of mind is the product of his personal experience of this *shemad* and the Otto-

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15 Simple interpretation.

16 Homiletic interpretation.

17 Ibid., 11; cf. sermon 11, "For Marriage, and also Dealing with Resurrection" (ibid., 204–213).

man urban realities which he experienced in Salonika, Amasya and Damascus. Garson asserted:

> In our many sins, since the times of the expulsions and the *shemads* which we underwent, we were left few out of many, each one and one by himself, without a family, and without a relative, because some of them were killed at sea, and some on land, and some died of hunger and some were eaten by the lions and wild animals, and some converted in our many sins, until we were left each one and one alone. And now we come to these kingdoms to save our souls, and the souls of our future sons, and it is obvious that this curse of loneliness will not turn away from us. And we see our sons dead and are not reaching ripening, as have happened to me in my many sins, and to many like me... that is to say, since the expulsion this curse of loneliness persists, because we see that it does not turn away from us, since we see our sons dying, and we put them in coffins... and a man would not live to see them under the canopy.[18]

This state of mind had a major impact on the structure of the Jewish family and the demographic character of the Jewish community. Because of constant pressure to continue the line, the age of marriage dropped sharply. Females became engaged in infancy and were married between the ages of twelve and fifteen. They had their first pregnancy at a very early age, which caused many miscarriages and deaths during or right after childbirth. This created a vicious circle; the intensified pressure led to very frequent pregnancies, which resulted in more miscarriages and premature births of ailing babies who died in infancy. Research in the Jewish cemetery of the Hasköy quarter reflects this same picture even in the middle of the seventeenth century: few men reached the age of fifty, and few women reached forty; the average life expectancy was even lower, and child mortality was high.[19]

The family patterns and demographic characteristics described above apply to both Iberian and Romaniot Jews in the sixteenth century and beyond. Does this mean that the catastrophic mood which motivated the Iberian Jewish survivors also influenced the Romaniot Jews as well? Or did a totally different set of catalysts shape Romaniot demographic behavior? The answer lies somewhere in between. It is very unlikely that

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[18] Benayahu, "Sermons," 180; Hacker, "Pride and Depression," 547–64.

[19] M. Rozen, "The Life Cycle and the Meaning of Old Age in the Ottoman Period," in D. Porat, A. Shapira and M. Rozen, eds., *Daniel Carpi Jubilee Volume* (Tel Aviv: Tel Aviv University, 1996), 109–175. The same conclusions were reached by C. Establet and J. Pascual, who conducted their research on legacies of inhabitants of Damascus at the turn of the eighteenth century ("Familles et démographie à Damas autour de 1700: quelques données nouvelles," in D. Panzac, ed., *Histoire économique et sociale de l'empire ottoman et de la Turquie (1326-1960)* (Paris: Peeters,1995), 436-37.

the Romaniot Jews were not affected by the tales of their Iberian brethren. It is enough to read Rabbi Eliyahu Capsali's descriptions to be convinced that even non-Sephardi Jews were deeply moved by the news which came from the West. Although the catastrophe was not the Romaniots' and did not affect them personally, the feeling of menace to the future of the nation must have had an impact on their behavior, too, especially since they intermarried with the Iberian Jews. At the same time, the realities of Ottoman urban life played a role in decimating Romaniot as well as Iberian Jews (as well as Muslims, Greeks and Armenians), so Romaniot demographic behavior probably would have been the same even without the influence of the expellees. Urban life itself was enough to shatter their sense of demographic security. The arrival of the expellees added to this fear the flavor of guilt, the smell of God's wrath, the sense that there was an explanation for what was happening.

Formation of the Jewish Household

The foregoing description of the Spanish expellees' frame of mind, and of their (and the Romaniots') behavior patterns, reflects the well-known importance that Jews attribute to the family. To ensure its continued existence and fortify it, Jewish society in Istanbul developed mechanisms and resolved the clash between various *halakhic* traditions. The following examination of the formation and functioning of the family in the final decades of the fifteenth century and up to the last quarter of the sixteenth century will help us better understand the Istanbul Jewish family within the familial culture developed by Western civilization: the forces that influenced it, how its image was formed, and the extent to which certain characteristics were a source of inspiration for others.

The Goal of Marriage

The goal of marriage, as expressed in the Bible, is companionship and procreation.[20] In the Talmud, marriage is highly recommended as a way of achieving personal happiness: "A Jew who is not married, lives without delight, without blessing, without goodness."[21] Marriage is also advocated as a way of avoiding sin: "Since a man marries a woman his sins dissipate."[22] Marriage is even demanded, as an expression of ma-

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20 Gen. 2:18, 24; 1:28.
21 *Yevamot*, 62b.
22 Ibid., 63b.

turity and the ability to contribute to human society: "Any Jew who is not married is not a man."[23] In sixteenth-century Istanbul, the concept of marriage was not only a reflection of the biblical or talmudic notion of marriage. It was also the product of generations of experience by the Jewish people, their contacts with other cultures and religions, and the conclusions drawn from that experience.

Sermons that were delivered at wedding ceremonies can illuminate the manner in which the generation of the expulsion in Istanbul understood the goal of marriage. Two such sermons are included in the book by the unfortunate Rabbi Yiẓḥaq Caro. Since he did not see even one of his children grow up,[24] he may not have been a frequent guest or a preferred preacher on such occasions; nevertheless, his two sermons are worth close inspection.[25] Both start with a discussion of the Mishnaic and talmudic attitude toward the joy and merriment of the marriage festivities. To attend a wedding celebration and not make the groom happy is considered by the Mishnaic sages to be a great transgression, while making him happy is a commandment and a great privilege: "He who makes a groom happy will be winning the knowledge of the Torah; he who makes a groom happy is equivalent to one who offers a sacrifice to God; and last, but not least, he who makes a groom happy is equivalent to someone who rebuilt one of Jerusalem's ruins."[26]

In one sermon, Caro explains that the whole issue of making the groom happy actually deals with the commandment to reproduce. A joyful groom will surely fulfill his duty to continue the line. However, Caro wonders why we are commanded to reproduce; it is a natural impulse, so it does not need any encouragement. It is like the impulse to eat or drink, which needs restraint rather than encouragement. Underscoring the shame connected with the sexual act, he quotes Aristotle, who condemned the sense of touch. In an effort to explain this unneeded commandment, he uses a talmudic discussion by two Mishnaic sages, Rabbi 'Aqiva and Ben 'Azai, on the statement of another sage, Rabbi Eli'ezer, that someone who does not reproduce is similar to a murderer. The discussion revolves around the idea that since human beings were created in the image of God, anyone who avoids reproduc-

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23 Ibid., 63a.

24 See above, pp. 102–103.

25 On the Sephardi homiletic literature as a historical source, see J.R. Hacker, "The Sephardi Sermon in the Sixteenth Century—Between Literature and Historical Source" (in Hebrew), *Pe'amim* 26 (1986): 108–127.

26 *Berakhot*, 6b.

tion is degrading the image of God. Rabbi 'Aqiva reproaches Ben 'Azai for not practicing what he preaches; Ben 'Azai himself is not married and does not have children. Ben 'Azai answers that he enjoys studying, and as far as he is concerned, others can take care of the continuity of mankind. The sages conclude by declaring that reproduction is essential, since the Divine Presence shall not dwell among fewer than 22,000 Israelites.[27] Caro elaborates on these statements by the sages. He asserts that the commandment to reproduce is meant to perpetuate mankind, and through it the Divine Presence—and that these goals will be achieved by increasing the numbers of the Jewish Nation and building the Land of Israel.[28]

Caro's second sermon is based on the same talmudic paragraph that refers to making the groom happy;[29] however, this sermon is very different from the first. The mood is not serious, and it does not refer to the sexual union of man and woman as something shameful. On the contrary, most of it focuses on the happiness and fulfillment of married life, and was obviously written in a totally different state of mind. Caro repeats the theme that he who avoids making the groom happy commits a great offense against several holy commandments, because without joy a man cannot reproduce, cannot study Torah, cannot serve his God.

The sermon gives a vivid description of the role of a woman and her capacity to bring happiness to a man. Caro compares the perfect woman to the Torah itself;[30] she can perpetuate the body and the soul of her husband—the body, by bringing him sons; the soul, by bringing him peace of mind. She enables him to do good. Although the mood and concept different from the first sermon, and it has a more private and corporal quality, the second sermon ends with the same theme cited from the Talmud: he who makes the groom happy is like someone who has rebuilt one of Jerusalem's ruins. If the groom is not happy, he will not be able to worship the Lord; worse, he will not have a male offspring who will obey the commandments which lead to redemption.[31]

Caro expands on the woman's role in his exegesis to the Torah, *Toledot Yiẓḥaq*: "It is well known that the Lord has created the woman for the benefit of the man, so that he will study the Torah, since if he will cook and bake and take care of the household chores, no time will be

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27 *Yevamot*, 63b–64a.
28 Rabbi Yiẓḥaq Caro, *Sermons*, 11:204–13.
29 *Berakhot*, 6b.
30 *Yevamot*, 63b.
31 Rabbi Yiẓḥaq Caro, *Sermons*, 15:242–52.

left to study the Torah, and that is the meaning of what He said, 'It is no good for the man to stay in solitude' (Gen. 2:18). And it is well known that the woman is the custodian of the house, she cooks and bakes for her husband, and all the household chores are on her shoulders."[32] Thus, the woman is a tool that enables the man to achieve two goals: to do the work of God in a peaceful state of mind by satisfying his physical needs, and to bring him sons. The goal of marriage is reproduction. The continuity of oneself is the continuity of God's world, and the completion of God's world is the Jewish Nation sitting in its holy city.[33]

If Caro interpreted the untimely death of his and his fellow expellees' children as an expression of the nation's decay, it is not surprising that he related marriage to the nation's regeneration and perpetuation. Preachers who had been born in the Ottoman lands also sermonized on why marriage, although connected with the shameful act of sexual relations, should be celebrated with joy and exaltation when reason commands that it be hidden. At the same time, their rationalizations regarding the commandment to make the groom happy no longer mentioned the national theme. What remained was the idea that marriage was meant for reproduction and continuation of the line, and making the groom happy ensured his ability to achieve this goal.[34]

Another theme in the writings of the second generation after the expulsion is the function of marriage in safeguarding the moral purity of society. Mid-sixteenth-century Istanbul was familiar with this theme, which was very strong among kabalistic circles in Safed.[35] Masturba-

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32 *Toledot Yiẓhaq, Exegesis on the Torah* (Jerusalem: H. Vagshal Publishing, 1994), 45.

33 On the theme of reproduction as the goal of marriage, see also in Rabbi Mosheh Almosnino, *Me'ameẓ Ko'aḥ, Sermons* (Venice, 1588), 3:26a; Rabbi Yehoshu'a Benvenisti, *Oznei Yehoshu'a, Sermons* (Istanbul, 1677), 59:91a.

34 See, for example, Rabbi Mosheh Almosnino, *Me'ameẓ Ko'aḥ, Sermons*, 3:21–31 (Salonika); Rabbi Yehoshu'a Benvenisti, *Oznei Yehoshu'a, Sermons*, 59:91a (delivered in Istanbul, 1594), and compare with Rozen, "Life Cycle," 113.

35 In fact, one of the most important ascetics of sixteenth-century Safed, Rabbi El'azar ben Mosheh Azikri, came from an Istanbuli family. A relative of his bearing the same name and patronym, died in Istanbul on November 20, 1585 and was buried in Hasköy (*TAU Documentation Project*, Turkey, Hasköy, stone 22MA, lot 6–20B, film 565, 18.1.1989). On Azikri, see *EJ*, s.v. "Azikri" and the bibliography cited; M. Benayahu, "The Repentance and Hasidic Societies in Safed Founded by Rabbi El'azar Azikri" (in Hebrew), *Ha-Arez Literary and Cultural Supplement*, 27.3.1964; M. Pachter, "The Life and Personality of R. El'azar Azikri According to His Mystical Diary" (in Hebrew), in J.R. Hacker, ed., *Shalem* 3 (1981):127–48; idem; "The Land of Israel in the Homilectic Literature of Sixteenth-Century Safed" (in Hebrew), in M. Halamish and A. Ravitzky, eds., *The Land of Israel in Medieval Jewish Thought* (Jerusalem: Ben-Zvi Institute, 1991), 311–19.

tion was considered a mortal sin among the adherents of *kabalah*. They believed that wasted sperm was united with the female demonic being *Lilith*, producing demons who lay in wait until they could harm the sinner's flesh-and-blood sons and bring about their untimely death. These demonic offspring were also believed to torture the sinner on his deathbed and to delay the cosmic redemption.[36]

Rabbi Yiẓḥaq ben Shelomoh Ya'abeẓ expresses this theory quite explicitly in his exegesis on the Book of Psalms: "It is best for a man to have sons at a young age, because it saves him from committing the sin of masturbation, which causes the birth of demons and devils who torture the man at the hour of his death until the grave, and that is what is called a gate of fire."[37]

Ya'abeẓ recommends marriage as a means to achieve the completion of the human existence, and reproduction as a contribution to the renovation of the world. He criticizes women who avoided pregnancy in order to keep their good looks; such women, he writes, are delightful to men, but not to God.[38]

In summation:

Marriage was a social institution meant to ensure the continuation of the world, in the sense of the family line and the Jewish people. The role of the woman in that arrangement was to complete the man, helping him live a life of purity and keeping him away from sin. The main pillars of such a God-fearing life were the study of Torah and the preservation of the family name by having healthy sons who, by virtue of their own studies, would perpetuate not only their father's name but also God's Torah.[39] Although it appears that studying Torah was a goal

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36 For bibliography on early marriage as a means of defending a man from this mortal sin, see Rozen, "Life Cycle," 113, ref. 11. For the role of masturbation in creating the demons who lie in wait to ambush a person's true sons, and especially at the cemetery, see M. Benayahu, *Ma'madot u-Moshavot, Studies in Memory of the Rishon le-Ẓion, R Yitẓhaq Nissim* (in Hebrew) (Jerusalem· Yad ha-Rav Nissim, 1985), 65–104. For the ancient sources (seventh century B C and even earlier) of the belief in the seven bad demonic spirits who pass from the other side and lie in wait to devour funeral participants, see D. Sperber, *The Customs of Israel* (in Hebrew) (Jerusalem: Mosad ha-Rav Kook, 1989), chap. 29, 217–21: "The Seven Bad Spirits and the Seven Stations in the Burial of the Dead."

37 The gate of fire through which the soul has to pass while leaving the body. Rabbi Yiẓhaq ben Shelomoh Ya'abeẓ, *Torat Hesed* (Belvedere [Istanbul], 1593), on Psalms 127, 54b.

38 Ibid., 15:12a.

39 Compare with R. Lamdan, *A Separate People, Jewish Women in Palestine, Syria and Egypt in the 16th Century* (in Hebrew) (Tel Aviv: Bitan Publishers and Tel Aviv University, 1996) 22–23. (In the English edition [Leiden: Brill, 2000], pp. 16–17.)

unto itself, in fact it is one of the tools used throughout the generations to preserve Jewish society and avoid assimilation.[40]

Family line always meant the paternal side, and perpetuating the family line meant ensuring the survival of a male offspring who would continue to bear the family name;[41] to this day the worst curse in the Jewish lexicon is "may your seed be wiped off the earth."[42] The priority of the male line places Jewish family culture, and in fact the whole Ottoman family,[43] within what the anthropologist Germaine Tillion calls "the republic of cousins."

This is the Mediterranean culture, based on ancient pillars older than both Judaism and Islam. Tillion coined the term because its male members believed that their main allegiance was to their relatives on the paternal side, the side which preserves the family line, above any other social framework. Her theory is that an inherent component of the "republic of cousins" is the subordination of women to men and their eventual suppression.[44]

Recent research in the Ottoman *sicils* and *şikayet defterleri* (registers of complaints presented to the Sublime Court by subjects claiming that they had not obtained justice through the regular channels) tends to

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40 For the Jewish educational system in the Diaspora as a means to fortify and strengthen the group, see S. Goldin, *Uniqueness and Togetherness: The Enigma of the Survival of the Jews in the Middle Ages* (in Hebrew) (Tel Aviv: Ha-Qibuẓ ha-Me'uhad and Tel Aviv University, 1997), 44–66.

41 See also Almosnino, *Me'ameẓ Ko'ah, Sermons,* 3:26a. See discussion and sources in Rozen, "Life Cycle," 114–15; cf. Lamdan, *A Separate People,* 69–71. (In the English edition, pp. 24–27.)

42 See also the discussion above, pp. 100–104.

43 Compare with A. Duben, "Turkish Families and Households in Historical Perspectives," *Journal of Family History* 10 (1985): 81–88, and also with C. Imber, "Women, Marriage, and Property: *Mahr* in the *Behcetu'l-Fetava* of Yenişehirli Abdullah," in M.C. Zilfi, ed., *Women in the Ottoman Empire Middle Eastern Women in the Early Modern Era* (Leiden: Brill, 1997), 81–86. M.L. Meriwether has recently shown how the concept of lineage grew even stronger among the eighteenth- and nineteenth-century Aleppine elite, and that in principle (and in most cases in practice as well) it was the male line that counted (*The Kin Who Count Family and Society in Ottoman Aleppo, 1770–1840* [Austin: University of Texas Press, 1999], 50–68).

44 G. Tillion, *The Republic of Cousins Womens' Oppression in Mediterranean Society* (London: Al-Saqi Books, 1983).). And compare with a recent study of women's history in the Middle East in a milleniae perspective (G. Nashat, "Women in the Middle East, 8,000 B.C.E.- C.E. 1800," in idem and J.E. Tucker, *Women in the Middle East and North Africa Restoring Women to History* (Bloomington and Indianapolis: Indiana University Press,1999),5-72.Compare also with J.E. Tucker, *In the House of the Law Gender and Islamic Law in Ottoman Syria and Palestine* (Berkley, Los Angeles, London: University of California Press, 1998), 150-51.

mitigate this conclusion in regard to the Ottoman woman. However, modification of the general picture does not alter its main lines;[45] Tillion's observation is very helpful in understanding several prominent and characteristic behaviors of the society we are dealing with.

Marriage and Jewish Family Law

The process of forming a Jewish family in sixteenth-century Istanbul was shaped in large part by legal issues dating back to earlier generations. According to Jewish law, the groom had to be at least thirteen years plus one day old;[46] he had to speak the formula of the *qidushin* in the presence of two valid male witnesses, while giving the bride some object of value; and the bride had to accept the object.[47]

The *qidushin* used to be the equivalent of what we now call betrothal, and the Hebrew term *erusin*, which means betrothal, is very often used as a synonym. The woman who accepted *qidushin* was referred to as *arusah* (betrothed), and was legally bound. From then on she was forbidden to the whole world, including her own husband. In order to free herself from this bond and marry someone else, she must obtain a divorce.

Even though the bond was committing at that point, the legal process was not complete until the *nisuin*: the couple stood under the canopy in the presence of ten male adults, the blessings of marriage were said, and

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45 See, for example F.M. Göçek and M.D. Baer, "Social Boundaries of Ottoman Women's Experience in Eighteenth-Century Galata Court Records," in M.C. Zilfi, ed., *Women in the Ottoman Empire Middle Eastern Women in the Early Modern Era* (Leiden: Brill, 1997), 63; F. Zarinebaf-Shahr, "Women, Law, and Imperial Justice in Ottoman Istanbul in the Late Seventeenth Century," in A. Al Azhary Sonbol, ed., *Women, the Family, and Divorce Laws in Islamic History* (Syracuse NY: Syracuse University Press, 1996), 81–95; A. Abdal-Rahman Abdal-Rehim, "The Family and Gender Laws in Egypt During the Ottoman Period," in ibid., 96–111; S. Ivanova, "The Divorce Between Zubaida Hatun and Esseid Osman Aga: Women in the Eighteenth-Century Shari'a Court of Rumelia," in ibid., 112–25; N. Hanna, "Marriage among Merchant Families in Seventeenth-Century Cairo," ibid., 143–54; Tucker, *In the House of the Law*. On the possibilities open to the Ottoman woman in the framework of the shari'a court and its accessibility, see more below, on pp. 113–14.

46 On the legal age of marriage for males, see *Qidushin* 50b; Maimonides, *Yad ha-Hazaqah, Hilkhot Ishut*, 2:10, 4:7; *Shulḥan 'Arukh, Even ha-'Ezer, Hilkot Priyah u-Reviyah*, 1:3. For a general survey of marriage procedures after the canonization of the Talmud, see A.H. Freimann, *The Procedure of Betrothal and Marriage from the Canonization of the Talmud to Our Days* (in Hebrew) (Jerusalem: Mosad ha-Rav Kook, 1965).

47 *Qidushin*, 2a, 5b; *Ketubot*, 3a, *Tosafot "ada'ata"*; Maimonides, *Yad ha-Ḥazaqah, Hilkhot Ishut*, 3:2, 24; *Shulhan 'Arukh, Even ha-'Ezer, Hilkhot Qidushin*, 27:1.

the groom handed the marriage contract (*ketubah*) to his bride. Only after the *nisuin* had taken place could the marriage be consummated.[48] It was the publicity given to the ceremony which made it a public matter and not a private contract. The marriage of a female under twelve years and six months had to be "checked by knowledgeable women" and could be consummated only if she was found to have reached puberty (i.e., "had two hairs").[49]Jewish law did not give a father the right to perform *qidushin* on behalf of his son.

On the other hand, opinion varied on whether he could accept *qidushin* on behalf of a minor daughter, a girl less than twelve years plus one day old. While the general rule in the Talmud did give a father that right,[50] the talmudic sage, Rav, said "It is forbidden for a man to accept *qidushin* for his minor daughter until she reaches maturity and declares 'I am willing.'"[51]

A girl became an adult when she reached the age of twelve years and six months. From the age of twelve years to the age of twelve years and six months, there was an interim period which had legal meaning for a female orphan.

A female minor whose father accepted *qidushin* on her behalf could reject the marriage if it was consummated before she was of age. However, the rejection was not automatic: a formal bill of divorcement had to be obtained through a Jewish court, and only her father could accept the divorce for her unless she had brought two pubic hairs.

The marriage of a minor female orphan less than six years old whose guardian accepted *qidushin* on her behalf was null and void; she did not have to reject the man, nor did she need a bill of divorce. Between the ages of six and ten, she had to reject the man if she did not want him, but she did not need a divorce.

From the age of ten onward she needed a divorce to extricate herself from an unwanted marriage; if she was an orphan, she was legally permitted to accept the divorce herself even if she was less than twelve years and six months old.[52]

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48 *Ketubot*, 7b, Rashi "*ve-asar lanu*"; 59a; Maimonides, *Hilkhot Ishut*, 10:1; *Shulḥan 'Arukh, Even ha-'Ezer*, 55:1, 6; *Mishnah, Ketubot* 4:5; *Ketubot* 48a–b; Maimonides, *Hilkhot Ishut*, 10:11, 12:1–4; *Shulḥan 'Arukh* 55:1, 69:1–3.

49 On the definitions of the legal age of females, see Maimonides, *Hilkhot Ishut*, 2:2–3; *Shulḥan 'Arukh, Even ha-'Ezer, Hilkhot Me'un*, 155:12.

50 Compare also with *Qidushin*, 64a; *Ketubot*, 22a.

51 *Qidushin*, 41a, and see Rashi, ibid.

52 On a minor whose father or guardian accepted *qidushin* for her freeing herself from the marriage, see *Gitin*, 64b; *Yevamot*, 107a–b; Maimonides, *Hilkhot Gerushin*, 11:1–4.

Muslim family law had many similarities to Jewish law, such as the practice of buying and selling the bride (which is still discernible in both traditions, although cloaked as arrangements for the families' economic security);[53] having puberty be the legal age for marriage;[54] and permitting the father or guardian of a minor female to commit her to marriage.

According to most jurists, a Muslim girl could reject a husband chosen for her without her consent when she was a minor—and during the seventeenth century, young brides successfully exercised this right in the shari'a courts in different parts of the empire.[55] Although we do not have records of cases from the first half of the sixteenth century, we have *fetvas* (theoretical legal opinions) which indicate that a Muslim bride contracted to marriage as a minor has the right to reject her husband only if the person who gave her in marriage was someone other than her father or grandfather.[56]

Thus, while a Muslim girl orphaned from both her father and grandfather could reject a contracted husband when she reached puberty, her Jewish sister could do so only between the age of six and ten. After the age of ten, a Jewish girl could refuse only if she had not reached puberty. If she reached puberty before the age of twelve, she would have to convince her husband to give her a bill of divorce; if he refused, she would have to convince a Jewish court.

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53 J. Schacht, *An Introduction to Islamic Law* (Oxford: Oxford University Press, 1964), 177; H. 'Abd al 'Ati, *The Family Structure in Islam* (Indianapolis IN: American Trust Publications, 1977), 62–63; R. Roded, *Women in Islam and the Middle East—A Reader* (London & New York: Tauris, 1999), 110–11. Compare also with C. Imber, *Ebu's-Su'ud The Islamic Legal Tradition* (Stanford CA: Stanford University Press, 1997), 175–78; I. Ortayli, "The Family in Ottoman Society," in *Family in Turkish Society* (Ankara: Turkish Social Sciences Association, 1985), 127–29; Imber, "Women, Marriage, and Property," 87–104; Abdal-Rehim, "The Family and Gender Laws," 98–100; Ivanova, "The Divorce," 114–116.

54 'Abd al 'Ati, *Family Structure*, 76–77; H. Motzki, "Child Marriage in Seventeenth-Century Palestine," in M.K. Masud, B. Messick and D.S. Powers, eds., *Islamic Legal Interpretation: Muftis and Their Fatwas* (Cambridge MA: Harvard University Press, 1996), 129–30.

55 Schacht, *An Introduction to Islamic Law*, 161; Al-Marginani, *The Hedaya or Guide A Commentary on the Mussulman Laws*, trans. Hamilton (Lahore, 1963), 36. Cf. R.C. Jennings, "Women in Early 17th Century Ottoman Judicial Records—The Shari'a Court of Anatolian Kayseri," *Journal of the Economic and Social History of the Orient* 18 (1975): 77–80; D. Ze'evi, *An Ottoman Century, The District of Jerusalem in the 1600s* (New York: State University of New York Press, 1996), 179–81; 'Abd al 'Ati, *Family Structure*, 76–78; ibid., 78, and compare also with Motzki, "Child Marriage," 139; Tucker, *In the House of the Law*, 47-51.

56 Imber, *The Islamic Legal Tradition*, 202.

Colin Imber studied the legal work of the Ottoman jurist, Ebu'-Su'ud Efendi, and concluded that the consent of a Muslim bride to her first marriage was often only a theoretical issue, whether she was promised under age or at legal age. Since marriage was not always registered, and verbal consent was not needed in a first marriage, only a strong-willed girl with a great deal of courage and self-confidence could free herself from an unwanted marriage.

If these sixteenth-century legal opinions reflect reality, a Muslim bride whose marriage had been arranged when she was a minor was just slightly better-off than her Jewish sister. In both cases a girl would have needed the same strong will and character to free herself from a bond contracted by her father, whether he was presently alive or deceased.[57] Although the most important jurists of Jewish law in the Middle Ages and those in the period under discussion recommended that fathers should not accept *qidushin* for their minor daughters,[58] the true picture was different.

Age at Marriage and Its Cultural Meaning

In mid-sixteenth-century Istanbul, the formation of a middle-class Jewish household normally began with an arranged match between a thirteen-year-old boy and a girl between the ages of ten and twelve.[59] Parents often determined the future of their children at an earlier age, before the legal age, sometimes in infancy. If both parties were under age, this would be in the form of an agreement between the families.[60] If the young man was older than thirteen, the father of a minor female would not hesitate to accept *qidushin* on her behalf regardless of how young she was.[61]

While the reality of Ottoman urban life was an important factor in shaping the pattern of Jewish Istanbuli family structure, research has shown that the phenomenon of child marriage (especially of females) in Jewish families was prevalent not only in Istanbul and other Ottoman

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57 See below and compare with Lamdan, *A Separate People*, 40–45, and the relevant refs. In the English edition, 46–57, and relevant refs.

58 Maimonides, *Hilkhot Ishut*, 3:19; *Hilkhot Isurei Bi'ah* 21:25; *Shulḥan 'Arukh, Even ha-'Ezer, Qidushin*, 37:8.

59 Rozen, "Life Cycle," 115, 118–19.

60 See, for example, Ibn Hayim, *Responsa, Mayim 'Amuqim*, 40:43a.

61 HaLevi, *Responsa, Zeqan Aharon*, 10:18a, 169:93a; Ibn Yaḥya, *Responsa, Tumat Yesharim*, 86:45b–46a, 130:61b; Rabbi Shelomoh ben Avraham HaKohen, *Responsa* (Salonika, 1586), vol. 1, 47: 72b; Ibn Hayim, *Responsa, Mayim 'Amuqim*, 40:42b; Ibn Lev, *Responsa*, vol. 1, 17:51, 43:123; Bassan, *Responsa*, 96:65b.

communities;[62] it was a characteristic of Jewish society in general in the talmudic era.[63]

The prevailing assumption that this social pattern was influenced by neighboring societies[64] has been contradicted by recent studies on Egypt under Roman rule in the first through third centuries, where the age at marriage was seventeen to nineteen for females![65] However, a very young age of marriage characterized females from aristocratic families of the Roman Empire[66] and the Byzantine Empire,[67] as well as of the medieval Muslim world.[68] It was also not uncommon among medieval European nobility,[69] wealthy families in Renaissance Tuscany,[70] and the seventeenth-century island of Naxos.[71] At the same time, child marriage, especially for girls, was a prevalent characteristic of Jewish family formation in the Middle Ages in the both the world of Islam and the world of Christianity, and became more marked from the eleventh century onward.[72]

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62 Lamdan, *A Separate People*, 40–45, and the relevant refs. In the English edition, pp. 46–57 and the relevant refs.

63 H.Z. Raines, "Child Marriage in the Talmud" (in Hebrew), in Z Ravid, ed., *Z Scharfstein Jubilee Volume* (Tel Aviv: Scharfstein Jubilee Committee and Hebrew Teachers Union in Israel, 1970), 191–200.

64 See S.W. Baron, *A Social and Religious History of the Jewish People* (Philadelphia: Jewish Publication Society of America, 1952), vol. 3, 219.

65 R.S. Bagnall and B.W. Frier, *The Demography of Roman Egypt* (Cambridge: Cambridge University Press, 1994), 111–116; B. Shaw, "The Age of Roman Girls at Marriage: Some Reconsiderations," *Journal of Roman Studies* LXXVII (1987): 30–46; R. Katzoff, "The Age at Marriage of Jewish Girls During the Talmudic Period" (in Hebrew), in M.A. Friedman, ed., *Marriage and the Family in Halakha and Jewish Thought* (Tel Aviv: Tel Aviv University, 1997), 9–18.

66 W. Ward Fowler, *Social Life at Rome in the Age of Cicero* (London and New York: Macmillan & St. Martin, 1965), 140; J. Gardner, *Women in Roman Law and Society* (Bloomington IN: Indiana University Press, 1986), 38–41, S Treggiari, *Roman Marriage* (Oxford: Oxford University Press, 1991), 39–42.

67 A.E. Laiou, "The Role of Women in Byzantine Society," in idem, *Gender, Society and Economic Life in Byzantium* (Hampshire: Variorum, 1992), 235

68 L. Ahmed, *Women and Gender in Islam Historical Roots of a Modern Debate* (New Haven and London: Yale University Press, 1992), 49, 71.

69 E. Power, *Medieval Women*, ed. M.M. Postan, (Cambridge: Cambridge University Press, 1975), 23; S. Shahar, *The Fourth Order A History of Women in the Middle Ages* (in Hebrew) (Tel Aviv: Tel Aviv University and Devir Publishing House, 1983), 121–22.

70 Ibid., 161.

71 A.E.Kasdagli, *Land and Marriage Settlements in the Aegean A Case Study of Seventeenth Century Naxos* (Venice: Hellenic Institute for Byzantine and Post-Byzantine Studies and Vikelea Municipal Library of Iraklion,1999), 233–36.

72 S.D. Goitein concluded that it was a marginal trait in Jewish family formation (*A Mediterranean Society* [Berkley-Los Angeles-London: University of California Press, 1978], vol. 3, 76–79), as did M.A. Friedmann, "The Ethics of Medieval Jewish Mar-

This social pattern in the Jewish-Muslim world is attributed to the influence of the ruling Muslim society,[73] where, as scholars often assert, the marriage of female children was very common.[74] However, it seems that this obvious explanation is too simple. It does not explain why similar practices prevailed among Jewish communities in the Christian world[75] and within parts of Christian society, as well as among the aristocracy of the Roman Empire. Moreover, it does not help us understand why there was a significant disparity between the age at first marriage for girls in Jewish Palestinian society in the Mishnaic era and their non-noble Greek and Roman contemporaries who married five or six years later.

When trying to explain the influence of Islamic society on sixteenth-century Jewish Istanbul, it should be noted that no extensive research has been done on Muslim or Christian family life in Istanbul in the early Ottoman period. With the exception of a study of the Imperial Harem,[76] researches into the status of women or family history in sixteenth through seventeenth-century Ottoman-Muslim society do not touch at all on age at marriage.[77] Most research in this field focuses not on Istanbul, but on provincial areas. One study gives an overview of

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riage," in S.D Goitein, ed., *Religion in a Religious Age* (Cambridge MA: Harvard University Press, 1974), 83–102; idem, *Jewish Marriage in Palestine—A Cairo Geniza Study* (Tel Aviv and New York: Tel Aviv University, 1980–81), vols. 1–2, index, s.v. "Child Brides;" idem, *Poligamy in Israel* (in Hebrew) (Tel Aviv: Tel Aviv University, 1986), index, s.v. "Nisuei qetinot." Nevertheless, a thorough study of this subject by A. Grossman proves the prevalence of such marriages all over the Jewish Diaspora ("Child Marriage in Jewish Society in the Middle Ages until the Thirteenth Century" (in Hebrew), *Pe'amim* 45 (1991): 98–107. See also I.A. Agus, *The Heroic Age of Franco-German Jewry* (New York: Yeshiva University, 1969), 278. J. Katz, in his pioneering study "Marriage and Sexual Life among the Jews of the Close of the Middle Ages" ([in Hebrew] *Zion* 10 [1945]: 21–54), emphasized the *very* young age at marriage among Ashkenazi Jews in the sixteenth through eighteenth centuries. He noted that in Jewish legal tradition the ideal age for marriage was thirteen to eighteen, but did not substantiate this with specific documentation; he stated that the existence of an early age at marriage was "common knowledge" (ibid., 22–23).

[73] On the marriage of minors in Muslim law, see 'Abd al 'Ati, *The Family Structure in Islam,* 76–78.

[74] Grossman, "Child Marriage," 117; Lamdan, *A Separate People*, 45. (In the English edition, p. 55.)

[75] Grossman, who suggested a socio-economic basis for child marriage in Jewish society in medieval Christian Europe, explained the frequency of child marriage in the Jewish-Muslim world as deriving from the influence of Muslim society (ibid., 117–18).

[76] L.P. Peirce, *The Imperial Harem Women and Sovereignty in the Ottoman Empire* (Oxford: Oxford University Press, 1993).

[77] Y. J. Seng, "Invisible Women: Residents of Early Sixteenth-Century Istanbul," in G. Hambly, ed., *Women in the Medieval Islamic World: Power, Patronage and Piety"* (New York: St. Martin's Press,1999), 240-68; Zarinebaf-Shahr, "Women."

family formation in Anatolia.[78] Other works, relating to the seventeenth and eighteenth centuries, studied towns such as Kayseri,[79] Bursa,[80] Jerusalem,[81] Cairo[82] and Damascus.[83] The only specific evidence we have on the marriage of minor females in sixteenth-century Muslim Istanbul are the *fetvas* of the *Şeyhülislam*, Ebu's-Su'ud Efendi.[84] The question remains: is the practice in the Muslim world throughout the generations, combined with what we know about sixteenth-century Anatolia, the sixteenth-century Muslim legal opinions from Istanbul, and the seventeenth and eighteenth century evidence from provincial centers, enough to substantiate the hypothesis that the age of marriage in sixteenth-century Muslim Istanbul was as low as it was among the city's Jews? It seems that there is no compelling reason to think that Muslim patterns of marriage in Istanbul differed much from the Jewish ones.

The question of whether the ruling society's norms influenced the marriage patterns of Jewish Istanbul is a different matter altogether. The Jewish legal background and the prevalence of child marriage in ancient times as well as in the Middle Ages, throughout the Mediterranean and especially in Jewish society, and even in Ashkenaz, indicate that this was not necessarily the outcome.[85] The scholarly explanations for this social behavior show that it always answered some economic, social or political need.[86] Yet it is only with respect to the Jewish commu-

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78 I. Ortayli, "Anadolu'da XVI Yuzyilda Evlılik Ilişkileri Üzerine Bazı Gözlemler," *Osmanlı Araştırmaları* 1 (1980): 33–40.

79 Jennings, "Women in Early 17th Century Ottoman Judicial Records," 53–114

80 H. Gerber, "Social and Economic Position of Women in an Ottoman City, Bursa 1600–1700," *IJMES* 12 (1980): 231–44.

81 Ze'evi, *An Ottoman Century,* 173–90.

82 N. Hanna, "Marriage and Family Life in the 17th Century Cairo," in D. Panzac, *Histoire économique et social de l'empire ottoman et de la Turquie (1326-1960,* (Paris: Peeters,1995), 349-59; idem, "Marriage among Merchant Families in Seventeenth-Century Cairo," in A. Al Azhary Sonbol, ed., *Women, the Family, and Divorce Laws in Islamic History* (Syracuse NY: Syracuse University Press, 1996), 143–54.

83 Establet and Pascual, "Famille et démographie,"438–40. On Syria and Palestine see Tucker, *In the House of the Law*

84 M. Ertugrul Duzdağ, *Şeyhulislam Ebussuud Efendi Fetvaları* (Istanbul, 1972), p. 38, # 38, 39, 40.

85 In this I follow H. Motzki's observation ("Child Marriages," 129).

86 Female child marriages in the Roman period were meant to postpone consummation and childbirth (Suetonius, *Life of Augustus*, 34, L). Child marriages among European nobility were meant to safeguard feudal assets from unwanted suitors (Shahar, *The Fourth Order*, 121–22). Child marriages among prestigious Greek families in seventeenth century island of Naxos were also meant to insure the "right" match (Kasdagli, *Land and Marriage*, 233-36), while among medieval Ashkenazi Jews, they provided for children in a society where men were international itinerant merchants (Grossman,

nity in the Muslim world that "the prevalent religious-cultural norm" is the explanation given. It seems that the Western perception of the world of Islam, and of the status of women in that world, lead historians to conclude that the influence of Muslim society is the cause of early marriage in Jewish Istanbuli families.

This hypothesis is underscored not only by the variety of examples from other Mediterranean societies, but also by research about the family in Renaissance Europe and sixteenth-century England. In the fourteenth and fifteenth centuries, the tendency among merchant families in Tuscany was for men to start a family between the ages of twenty-seven and thirty-one, and for women, between the ages of sixteen and seventeen and a half (although thirteen was considered an ideal age for a girl to get married).[87]

Sons of established families also waited for the right opportunity to marry (i.e., an economically worthy match). Studies of European marriage patterns among artisans and apprentices in that period reveal that marriage tended to be postponed until an adequate economic foundation was assured; the couple assumed that it was their responsibility and theirs alone to provide for their offspring.[88]

The data show that the richer the family, the more it tended to live in an extended household, the lower was the age of marriage,[89] and the higher was the number of births (although the children did not necessarily have a better chance of survival). The poorer they were, the more they tended to rely on themselves—and thus they married later in life. Renaissance Italian cities attracted workers from the rural areas who sought to join the professional guilds and avoided marriage until they had become established. The women they married were from their own class or the daughters of artisans, who also had to wait until the right opportunity arrived. Marriage at a later age meant fewer births, though the number of surviving children was more or less the same.

"Child Marriage," 117–18). J. Katz attributes early marriage among Ashkenazi Jews in the sixteenth through eighteenth centuries to moral ideology, a way to avoid sin. He considered practical motivations as secondary in importance ("Marriage," 21–29).

87 Shahar, *The Fourth Order*, 160–61. Leon Battista Alberti recommended in his treatise, *Della famiglia*, that a man should marry at 25, preferably a young girl (G.A. Guarino, ed. and trans., *The Albertis of Florence Leon Battista Alberti's Della Famiglia* [Lewisburg: Bucknell University Press, 1971], 121–23).

88 Shahar, ibid.

89 A similar tendency can be observed among the Greek population of Naxos during the seventeenth century (Kasdagli, *Land and Marriage*, 232–33).

Research on an English rural community just after the plague of 1543 is even more telling. The age of marriage for the women was between twenty-four and thirty, and the pattern continued through the seventeenth and eighteenth centuries.[90] The community solved its existential problems in a manner very different from that in Istanbul. Young English boys and girls who survived the plague migrated to other villages or to the city to look for jobs or for a partner in life. Sometimes they did so during the lifetime of their parents. They married independently, according to their own choice, and only when they could afford it. Among higher echelons, marriage would be postponed until a suitable arrangement was attained.[91] The pattern is very close to that of Tuscany, which started as early as the late fourteenth century.

The difference between the European marriage pattern in the Renaissance Tuscan city and the sixteenth-century English rural community, on one hand, and the Mediterranean pattern, on the other, is cultural more than religious. The economic and social changes in Tuscany and England created social and geographic mobility that helped create a type of family that accepted sole responsibility for nurturing the children. Reliance on kinship lost its significance due to socioeconomic or logistic reasons.[92] This was the great revolution. People married only if they could afford it, and much later than puberty, even considering that the age of puberty in England was later than in the Mediterranean.

In the Middle East, societal patterns were different. The economic and social fabrics of Ottoman society were not conducive to mobility. City dwellers were interconnected not only through their extended family, but also through their neighborhood and their professional guild. Villagers were tied to their land, and nomads could survive only in their tribal framework. Hence, kinship played a major role in the formation of society. Except for the system of the *devşirme*,[93] which enabled chil-

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90 J.D. Chambers, "The Age at Marriage in England and Its Implications," in V.C. Fox and M.H. Quitt, eds., *Loving, Parenting and Dying The Family Cycle in England and America, Past and Present* (New York: Psychohistory Press, 1980), 127–28.

91 Compare with P. Laslett, *The World We Have Lost Further Explored* (New York: Charles Scribner's Sons, 1984), 81–106.

92 See, for example, A. Macfarlane, "The Informal Social Control of Marriage in Seventeenth-Century England: Some Preliminary Notes," in Fox and Quitt, *Loving, Parenting and Dying*, 117.

93 Conscription of rural Christian boys for service at the palace or in the standing army at the Porte. (See M.Ç. Varlık, "Ottoman Institutions of the XVI Century and Sultan Suleyman the Magnificent" in *The Ottoman Empire in the Reign of Suleyman the Magnificent* [Istanbul: The Historical Research Foundation, 1988], 17–19, 60–64).

dren of *zimmi* villagers to become grand viziers, the world of the *reaya* had strong mechanisms that maintained its stability. This was true even for a physically mobile group such as the Jewish community. Lack of mobility did not necessarily mean an inability to move to another place; more than anything else, it meant social class and institutional immobility—the institutions of the family, marriage and occupation.

While a fourteen-year-old English boy who survived the death of his parents in the plague was all alone and perhaps destitute, he was nonetheless free to go and seek his fortune. On the other hand, in Istanbul and elsewhere in the Mediterranean basin, Jewish children (and especially girls) of that age were already provided for. In Eastern Europe, age at marriage was a little higher (thirteen to sixteen), but this was due to puberty occurring later than in the Mediterranean area.[94] Moreover, chance or initiative could rarely play a role in the lives of these children, with the exception of external factors such as wars and violence (which were less common in the Ottoman lands than anywhere else in the Jewish Diaspora). Reliance on their intricate and cohesive social and kinship fabric enabled Jewish Istanbulis to secure the continuance of their line in a manner different from the one used by European society. Instead of marrying later in life, having fewer children and providing for them with their own resources alone, as the Europeans did, the Jewish Istanbuli parents determined the future of their children at a very early age by marrying them off while the parents were still alive.[95] Parents planned their children's marriages in the knowledge that the family to which they were entrusting their child would provide for the next generation of children in case of their own premature deaths. Moreover, they knew that Jewish society would ensure the validity of the marriage, even if the match was not between partners from the same city or even the same region.[96]

The Preferable Choice

Arranging a marriage involved compromising among different goals: continuing the family line, retaining or elevating the family's social

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[94] J. Katz, *Tradition and Crisis—Jewish Society at the End of the Middle Ages* (Jerusalem: Bialik Institute, 1978), 166–67.

[95] Rozen, "The Life Cycle"; cf. Katz, *Tradition and Crisis*, 166–67. And compare with the considerations of Greek parents in seventeenth century Naxos upon arranging their children marriages (Kasdagli, *Land and Marriage*,233–36).

[96] Mizraḥi, *Mayim 'Amuqim*, 40:42b–43a; Ibn Yaḥya, *Responsa, Tumat Yesharim*, 153:48b–49a.

status, and ensuring the welfare of the child being married. The child's economic security could depend on making a match with someone from the same socioeconomic level or higher.[97] But pedigree was also important, and rich people without a long and illustrious pedigree sometimes agreed to marry their children to people from a "good family," despite the latter's lack of economic means to invest in the marriage.[98]

The assumption that fathers or guardians strived to do what was best for their daughters or sons was not always true. Paternal decisions about a daughter's betrothal could create severe complications for her if her father did not take his role as seriously as he should. For example, the father of an unfortunate Istanbuli girl matched her to a man from Bursa. The man was anxious to have the *qidushin* take place quickly lest her father accept a better offer. So, during a dinner party, he handed his prospective father-in-law a plate of caviar and said that it was being offered for the girl's betrothal.

Her father responded that the *qidushin* ought to be performed together with the marriage ceremony, under the canopy (according to the practice of Iberian and Ashkenazi Jews)—but, since the would-be groom seemed to doubt the father's sincerity, he accepted the caviar and betrothed his daughter to the man. Later the father changed his mind, exactly as the man had been afraid he would, and rabbis from Istanbul and elsewhere (Arta and probably Salonika) had to be called upon to free the girl from the bond.[99]

In another case, an Istanbuli father of a minor daughter crossed paths with an itinerant merchant somewhere far from Istanbul. The father betrothed his daughter to the man whom he had just met. The two agreed that if the man came to Istanbul and lived with the father for twelve consecutive months, and the marriage was consummated by the end of the twelve months, she would be considered betrothed to the man from the moment he gave the betrothal ring to her father.

An important clause in the agreement provided that if the would-be groom was unable to live with the father for twelve consecutive months, the man would marry the girl and consummate the marriage as soon as possible, before the twelve-month period was over; otherwise, the betrothal would not be valid. It was very prudent for the father to

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97 Rabbi Mosheh Almosnino, *Me'amez Ko'ah, Sermons*, 3:21a–23a, 4:32a–39b; Rabbi Yehoshu'a Benvenisti, *Oznei Yehoshu'a, Sermons*, 59:91a–92b.

98 Rabbi Yizhaq 'Unqinierah, *Ayumah ka-Nidgalot* (Istanbul, 1577), 20b.

99 Ibn Yahya, *Responsa, Tumat Yesharim*, 82:43a–b; see also *Responsa, Matnot ba-Adam*, ed., Y. Boksenbaum (Tel Aviv: Tel Aviv University, 1983), 163:455.

have included this clause; it was intended to prevent the prospective groom, who was accustomed to a very mobile lifestyle, from leaving the girl waiting in Istanbul—not married to him, yet unavailable to anybody else.

But when the man was unable to spend twelve months of betrothal in Istanbul, the price to the family turned out to be rather high: in his eagerness, the father had agreed to the consummation of the marriage of a very young girl to someone whom he actually did not know. Eventually, sometime after the betrothal, the groom went to another country and disappeared, and the girl found herself in the position her father thought he was protecting her from—unavailable to other offers of marriage. When Rabbi Yosef Ibn Lev was asked his opinion in the matter, he answered that he needed the opinions of more scholars to "free her to the market."[100]

The impression left by these examples is that arranging a marriage was more like the casual sale of an object to the highest bidder than a crucial act that determined the fate of a human being. Nevertheless, even a match made with great care and a grave sense of responsibility did not always ensure the welfare of the parties involved, especially in view of the short life expectancy at the time. If the parents of one of the future spouses died before the marriage could be consummated, their child, if a boy, would normally be brought up by his uncles unless his paternal grandfather was still alive; a betrothed girl whose parents died would be raised by her husband's family. In either case, their lives would be fraut with problems and even dangers.

In order to guarantee the best possible security for their children, Jewish parents in Istanbul tended to arrange marriages within the family.[101] A case from Jewish legal literature exemplifies how these arrangements worked. In his will, a man had made his brother in Jerusalem the trustee of his estate and the guardian of the man's baby son. The will stipulated that the brother's daughter was to marry the boy. Four years after the death of the boy's father, his uncle came to Istanbul, assumed possession of the estate, and expressed his intention to take the boy with him to Jerusalem. The boy's mother did not object; however, since Rabbi Eliyahu Ibn Ḥayim's court was the supreme authority in the matter of orphans, it had to make the final decision. The court was asked to place the child in his uncle's custody because the

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[100] Ibn Lev, *Responsa*, vol. 4 (Benei Beraq, 1988), 23:58.
[101] Rozen, "The Life Cycle," 115, ref. 13.

uncle would surely bring him up properly and educate him, and because the boy was supposed to marry his uncle's daughter The court, convinced that it was in the boy's best interests, agreed that he could go to Jerusalem.

It is noteworthy that one of the reasons behind the court's decision was its assumption that if the boy stayed in Istanbul, his mother might go to a Muslim court of law and demand the part of her husband's estate to which she was not entitled under Jewish law. Another reason was that under Muslim law, the mother's brothers would stand to inherit if the boy died—and the lust for money might drive them to kill him![102] Although the boy's uncle was an heir under Jewish law, he was not similarly considered to be a danger to the boy, since his daughter was supposed to marry the boy. This discussion by the court, which could easily be dismissed as the hallucinations of a criminal imagination if it had not appeared in Ibn Ḥayim's own literature, indicates not only the social role of early marriage arrangements, but also the supremacy of the male line in Jewish culture. The mother's right to raise her son was not mentioned even once—not even by the mother, who never saw herself as having that right.

The same reasoning used by Ibn Ḥayim was applied in the case of a female child whose parents died prematurely. It was expected that if a girl married her cousin or uncle in infancy and her natural mother died before the consummation of the marriage, the girl would be treated with love and care by her aunt or grandmother—who would eventually be her mother-in-law. Money would not be a reason to harm the girl, because the assets she brought with her would be added to the property of the same family line in any case. Endogamy enabled family assets to be amalgamated for the benefit of future offspring of both sexes, thus buttressing the perpetuation of the family line.

On the other hand, some family members tried to manipulate endogamy to serve narrower interests. In one case, an orphan was adopted by his maternal uncle and his inheritance from his parents was integrated into his uncle's business capital. In due course the young man married his cousin, his uncle's daughter. Unfortunately, she died prematurely, leaving behind a child. Since her husband was her heir, at least part of the assets he had added to his uncle's family fortune when he had been adopted would now revert back to the young man, meaning that the uncle's family line would not have gained much financially from the

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102 Ibn Hayim, *Mayim 'Amuqim, Responsa*, 40:42b–43a.

adoption or the marriage. In court, the uncle claimed ownership of his late daughter's jewelry on the ground that the orphan's original inheritance had been spent over the years on his maintenance.[103] Rabbi Yosef Ibn Lev ruled that the uncle's use of the orphan's capital had been illegal, and that the jewelry should be returned to the husband.

The legal tendency in matters of inheritance was to give priority to male offspring, since men were viewed as the ones who perpetuated the family's name.[104] This created a dilemma for many wealthy fathers. On one hand, a father wanted to set up his daughter with ample means to ensure her a comfortable life. On the other hand, he knew that if his daughter died in childbirth and the child died at the same time or shortly afterward, his entire investment in the marriage would be lost to the husband's family.

According to the regulations of Toledo and Molina in thirteenth-century Spain, if a wife died and left living offspring, her legacy would be divided between the husband and the children. If she died without offspring, the legacy would be divided between the husband and her inheritors. If her mother had provided her dowry, her mother would get back half of her daughter's legacy; the other inheritors would divide the remainder among themselves if the woman died without offspring.[105]

Because of the ethnic diversity of the Jewish community of Istanbul (at least until the end of the sixteenth century), two different customs

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103 Ibn Lev, *Responsa*, vol. 2, 26:79.

104 On the laws of inheritance, see Num. 27:8–11; Mishnah, *Bava Batra*, 8:a–b, Maimonides, *Hilkhot Nahalot*, chap. 1; A. Gulak, *The Elements of Hebrew Law* (in Hebrew) (Jerusalem: 1923; repr., Tel Aviv: Devir, 1967), vol. 2, part 3, 81–83; S. Assaf, "Concerning the Daughter's Inheritance" (in Hebrew) in *Emet le-Ya'aqov: Ya'aqov Freimann Jubilee Book* (Berlin, 1973), 8–13. Both Islamic law and the customs among the Greek population were more beneficial to female members of the family than was (and still is) Hebrew law (Kasdagli, *Land and Marriage*, 266-887; N. J.Coulson, *Succession in the Muslim Family* (Cambridge: Cambridge University Press, 1971), 35–38, 40–46, 54–64, 113–14, 116–17, 141–43, 157.

105 On the right of the husband to his wife's inheritance, see Mishnah, *Bava Batra*, 8:a; Mishnah, *Ketubot*, 9:a; *Shulḥan 'Arukh, Even ha-'Ezer, Ketubot*, 90:a. For a discussion on the legal sources for these rights, see Friedman, *Jewish Marriage in Palestine*, 391, ref. 2. On the various legal customs concerning the husband's right to his wife's legacy, see S. Assaf, "The Various Regulations and Customs Concerning the Rights of the Husband in His Wife's Inheritance" (in Hebrew), *Mada'ei ha-Yahadut* (1926): 79–94; Y. Cohen, "Congregational Regulations Concerning the Right of the Husband in the Inheritance of His Wife" (in Hebrew), *Shenaton ha-Mishpat ha-'Ivri*, 6–7 (1979–1980): 134–75. On the development of these regulations and customs in the Middle East after the expulsion from Spain, see Lamdan, *A Separate People*, 181–85, and the corresponding refs. (In the English edition, pp. 232–43.)

dictated the way such legacies were divided. The Romaniots developed a regulation similar to the one in Toledo, while the Iberian version in its Istanbuli development increased the possible loss to the wife's family in case of her premature death. If a wife left living offspring, the Iberians gave the husband the entire legacy (including the wife's dowry and the wedding presents), while the Romaniots divided these assets equally between the husband and the offspring. But if the wife did not leave living offspring, both groups divided the dowry equally between the wife's heirs and her husband.

For some reason, then, the Iberian immigrants developed rules of inheritance which favored the interests of the husband even more than in Spain, and more than among their Romaniot and Muslim neighbors.[106] Similarly, the small Ashkenazi group in Istanbul deserted the custom devised by sages in Speyer, Worms and Mainz during the thirteenth century, which minimized the loss to the wife's family, and adopted the Romaniot custom, which was less considerate of the wife's family.[107]

The premature death of a young Istanbuli bride meant a considerable loss to her family; they would never enjoy the capital that had been taken from the family's male branch and invested in the welfare and prosperity of another family.[108] This problem could be avoided, though, by contracting a match between a girl and her cousin or her uncle from the paternal side. Then her father could give her a generous dowry to ensure her personal future, while knowing that the family assets would not be invested in perpetuating some other family's line.[109]

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[106] In Greek families, the bride received considerable assets from her family upon her marriage, and in case of her premature death without offspring these assets would return to her family (Kasdagli, *Land and Marriage*, 266-67). According to Muslim law, if a married woman died without offspring, her husband inherited half the legacy and the rest was divided between the other Quranic inheritors, all of them from her family. If she left living offspring, the husband retained only a quarter of her legacy; the offspring received half of it, and the rest would be divided among the other Quranic inheritors from her family (N. J.Coulson, *Succession in the Muslim Family*, 41, 45–46).

[107] On these regulations, see L. Finkelstein, *Jewish Self-Government in the Middle Ages*, 2nd ed. (New York, 1964), 59–63, 218; cf. M. Elon, *Jewish Law, History, Sources, Principles* (in Hebrew) (Jerusalem: The Magnes Press, 1987) vol. 1, 632–40, and rich bibliography in the refs.

[108] For thorough and exhaustive research on the inheritance regulations in Istanbul, see L. Bornstein-Makovetsky, "The Istanbul Regulations of Inheritance and their Expression in the Social Life in the Ottoman Period" (in Hebrew), in A. Haim, ed., *Society and Community Proceedings of the Second International Congress for Research of the Sephardi and Oriental Jewish Heritage*, 1984 (Jerusalem: Misgav Yerushalayim, 1991), 3–23, and compare with Ibn Lev, *Responsa*, vol. 4 (Benei Beraq, 1988), 30:73, 67:105.

[109] See discussion below, pp. 129–32.

This consideration was undoubtedly what was in the mind of Yosef Villalobos when he made his will in the town of Safed in 1558. Being a man of great wealth, he ordered that his wife become the guardian of his assets until the marriage of his three grandchildren—two orphaned boys from his son Shelomoh, residing with their grandmother in Safed, and a female child from his other dead son, Shemuel, residing with her mother in Istanbul. He left the girl ten golden coins if she remained with her mother in Istanbul, but made her an equal heir with the boys if she came to reside in Safed with her grandmother. Not only would she be a comfort to her grandmother; more importantly, she would become the wife of one of her cousins living there, so that the family fortune would not be divided.[110]

Despite careful planning, things did not always work out the way parents hoped. When Doña Gracia Nasi arrived in Istanbul in 1553, she was an independent and very wealthy woman. She and her sister, Brianda, were the widows of the brothers Francisco and Diogo Mendes. In the absence of any male heir or offspring from her husband's line—the Mendes line—her own daughter, Brianda (also known as Reina) married her nephew, Don Yosef; her sister's daughter, Beatrice (the "Little Gracia"), married his brother Shemuel. Thus, no dowry problems could arise to remove the fortune from the Nasi line.

But nature sometimes plays a nasty trick: Don Yosef and Doña Reina died childless, and whatever they failed to spend in their lifetime was confiscated by the Imperial treasury. Only Shemuel and "Little Gracia" had children, and their line exists to this very day. All this would not have happened if offspring of the Benveniste-Mendes family had been alive and living in Istanbul as a possible groom for Reina; it would have been even less likely if one of the Mendes brothers had remained alive.[111]

The connection between inheritance law and endogamous marriage is further emphasized when viewing the surrounding society; Greek Orthodox society that forbade categorically endogamous marriages was also the most beneficial to females in terms of inheritance, and the most beneficial to the wife's family in case of her premature death.[112]

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110 Ibn Lev, *Responsa*, vol. 2, 48:175–177.

111 On the Nasi family, see below, pp. 210–14. On the marriages in the Nasi family, see C. Roth, *The House of Nasi-Doña Gracia* (Philadelphia: The Jewish Publication Society of America, 1974), 12, 28, 116–17; J. Chesneau, ed., *Le voyage de Monsieur d'Aramon* (Paris, 1887, repr. 1970), 48–49.

112 Kasdagli, *Land and Marriage*, 239.

In summation: marriage at a young age (even before puberty) and endogamy among the Jews of Istanbul were not expressions of the influence of Muslim society or culture per se, but rather manifestations of the traditional Mediterranean culture that prevailed throughout the region. They were based on foundations much older than Islam: the supremacy of kinship as a social value, and allegiance to the paternal line of the family, which were part of both Jewish and Roman cultures. Deriving basically from Jewish sources and the surrounding cultures, including those of the people who accepted Islam, these principles persisted in Jewish society.

The formal power to make decisions about marriage was held by the male head of the family, usually the father. Although this male supremacy is very clearly seen in the documentary evidence,[113] at least one incident attests to the mother's informal influence on matrimonial matters.

Rabbi Eliyahu Mizraḥi discussed a case in which a young man sent presents to his future bride through his mother. The question was whether sending presents by the mother indicated less of a commitment than when done by the father. Mizraḥi wrote: "Our eyes have seen in our times that the sons trust their mothers to tell them their secrets concerning their fiancées, and they do not trust their fathers, and whatever they would have to send to their fiancées secretly is done by their mothers, and who will contradict the obvious?"[114]

Thus even arranged marriages, which were decided upon by fathers, were often the product of long negotiations conducted by women, sometimes without the knowledge of the head of the family. This conclusion is based not only on the foregoing evidence, but also on the premise that in a society in which encounters between the sexes were not free, women played an important role in matchmaking. Their female connections made them better informed than their husbands about the eligibility of a girl, her looks, her qualities, etc., especially when the match was being sought outside the family circle.[115]

If there were no parents or close relatives to look after the interests of an eligible male or female, the notables of the congregation, usually the *memunim,* would arrange the match and make sure that it served the

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113 See, for example, Mızrahi, *Responsa*, 18:49 (doc. 15 below), 27:76; Ibn Yahya, *Tumat Yesharım, Responsa*, 153:48b; HaLevi, *Zeqan Aharon, Responsa*, 169:93a, Bassan, *Responsa*, 29:17b, 30:29b, 34:22a, 50:31a, 96:65b.

114 Mizrahi, *Responsa*, 19:53 (doc. 16 below).

115 Meriwether, *The Kın Who Count,* 113.

interests of both individuals and society, as understood by the matchmakers.[116]

The question arises: what role, if any, did sentiment, love and even passion play in the process of choosing a mate? There is no direct evidence on this, even with regard to the engagement of two adults. Since such feelings are a natural part of human existence, the only possible conclusion is that their expression was considered to be irrelevant to marriage.

Indirect evidence about love being involved in selecting a spouse can be discerned in the case of the boy who sent a token of love through his mother to the girl he meant to marry.[117] Cases in which girls were tricked into accepting *qidushin* were not only efforts to deceive an unwilling girl, but also attempts to circumvent the objections of an unwilling father.

A rich tradition of love songs also testifies to the undercurrents of conventional life. In 1545 the Soncino publishing house of Istanbul printed a book entitled *Shirim ve-Zemirot ve-Tishbaḥot* (Songs, Lyrics and Praises). The editor and author of many of the songs was Shelomoh ben Mazal-Tov. The collection included famous love songs by renowned poets such as Shelomoh Ibn Gevirol, Avraham Ibn 'Ezra, Yehudah HaLevi and others, and songs entitled "Get up My Dove, My Beautiful One," "A Song to a Beloved Doe," "Come Back Shulamit," "Come Out of the Rock's Cleft, My Dove," "Beautiful One," and many others. Most were written to Turkish melodies, while one was adapted to a Greek tune.[118]

Another book, "Shelomoh's Pages," also by Shelomoh ben Mazal-Tov, was never published and was lost. It included a long poem full of the passion and anguish of a disappointed lover. The song was partly preserved in the *Book of Songs, Lyrics, and Praises*:

> How shall I hush, and not rumble like a flute,
> Drunk in the markets shall I not howl?
> I shall not hush, I shall not be silent,
> My crying will not be that of a mute,

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116 See, for example, the case of the widow Jamilah Siciliana, who agreed to marry Yehudah Portugez, but had second thoughts after she saw the low value of the scarves he had sent her as an engagement present. Her excuse was that the condition for the marriage was the consent of the *memunim* of her congregation (Sicilia), which was not given (Mizrahi, *Responsa*, 69:236–39).

117 See above, ref. 132.

118 D.B. Marqun, "The Book 'Songs, Lyrics and Praises'" (in Hebrew), *Devir, A Three Monthly Anthology for Jewish Studies* 1 (1923): 229–84.

But I shall tear the lock of my heart,
And mourn like one dressed in sackcloth.[119]

These poems and songs were written for someone or because of someone; the fact that they were printed attests to their popularity. They expressed feelings that were usually not taken into account in the course of arranging a match, especially by the matchmakers themselves. But the feelings nevertheless existed, and played a role in the lives of those trying to win the affection of a girl or a woman, or those disappointed in their quest. It is noteworthy that this type of song was intended for men only.

Another form of song, the *Romanca*, imported from the Iberian lands and handed down from one generation to the next, included expressions of sentiments between the sexes but always had a didactic message interwoven in its lines. Invariably, the message had to do with maintaining the correct social order: a girl should guard her chastity and honor at all times; the eldest daughter should marry first, the youngest last; and so forth.

These songs were sung by women to women, or within the family circle with men singing the lines meant for men and women the lines meant for women. The *Romanca* acknowledged the existence of feelings—but unlike the songs for men, this form was meant to express these sentiments in order to lighten the burden they created. Their purpose was to channel strong feelings into paths that supported and preserved the cornerstones of society and family.[120] Thus, love and passion existed, but were not viewed as necessary or important issues when the marriage of a son or a daughter was being considered.

Betrothal and the Encounter of Cultures

Matchmaking was accompanied by financial and other arrangements between the parties. These preliminary agreements should not be confused with the formal marriage contract (*ketubah*) traditionally given to the bride under the wedding canopy, although the most of the provisions reappeared in the formal contract. These prenuptial arrangements were sometimes written in a special document (*shetar shidukhin*) sepa-

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119 Idem, "Songs from the 'Book of Songs, Lyrics, and Praises'" (in Hebrew), *Melila* 3–4 (1950): 262.

120 Y. Moskuna, *Spanish Pearls* (in Hebrew) (Tel Aviv, 1981); M. Attias, *A Spanish Romancero—Romanca and Folk-Songs in Judeo-Spanish* (in Hebrew and Jewish-Spanish) (Jerusalem. Qiriyat Sefer, 1961). Most of these *romances* were transcribed from Salonikan informants, but at least some of them were also known in Istanbul.

rate from the formal contract.[121] The arrangements included the dowry (*neduniah*) to be given by the bride's family. It included various items for the bride, such as the wedding bed (*cama armada*: "armed" bed in Judeo-Spanish), bedding, linens and clothes—plus other articles, mostly textiles such as rugs and cushions, that the couple would need for their life together. This part of the dowry was prepared by the women of the family, especially the mother, and by the bride herself, if she was old enough. Well-to-do parents also gave their daughters jewelry.[122]

Wealthy fathers, especially those who had no sons, would give their daughters very valuable assets with different kinds of legal status. One part of the dowry, called *nikhsei ẓon barzel,* was considered the property of the son-in-law and was controlled by him; however, it was meant to be used for the couple's mutual benefit, and if their union was terminated by divorce or the husband's death, the property or its value at the time of the marriage was returned to the wife (if it had not been destroyed or left the husband's possesion).

Another part of the dowry, called *nikhsei melog,* was the property of the wife throughout the marriage; the husband could not sell or transfer it to someone else. This, too, was to be used for their mutual benefit; if the marriage was terminated, the wife received the actual property (even if its value had diminished).[123] Mothers[124] or even grandmothers from wealthy families, who had brought assets with them to their own marriages, would make similar arrangements of their own for their daughters and granddaughters, especially in the absence of a father.[125]

Another component of the dowry was the *medodim*, a sum of money in cash (which is why it was also called *contanti* in Judeo-Spanish) to help the young groom start a business or make an investment for the

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121 See, for example, the negotiations related in Mizrahi, *Responsa*, 18:49.

122 Galante, *Histoire*, vol. 1, 298–99; Attias, *Romancero,* 207, song no. 98,

123 *Bava Qama* 81a, 90a.

124 Rabbi Shelomoh ben Avraham HaKohen was asked a question in regard to a man with four daughters, who "married them with the luxury and honor that God had given him. And when the time arrived for each and every one of them to come to the champion of her youth, aside from the dowry given to them by their father, their mother, of her own will and accord, agreed to give each one of her daughters, from her own dowry, bed linen of hers." (*Responsa*, vol. 2, 237:169a); compare with Lamdan, *A Separate People*, 33–36, and the refs. (In the English edition, pp. 29–36); E. Yuhasz, "Marriage—Objects and Customs," in idem, ed., *Sephardi Jews in the Ottoman Empire* (in Hebrew) (Jerusalem: The Israel Museum, 1989), 196–217. (In the English edition [Jerusalem: The Israel Museum, 1990], 197–217)

125 An Istanbuli woman left her orphan granddaughter the huge sum of 60,000 *akçe* as a dowry (Mizraḥi, *Responsa, Mayim 'Amuqim*, 91:145a).

couple's future. This asset remained with the groom, along with any accrued profit, even in case of divorce. Other arrangements, especially when the bride had no brothers, included teaching the groom his father-in-law's trade and bringing him into his professional guild. In some cases the agreement included the right to *mesa franca* (free table in Judeo-Spanish), meaning the right of the couple to live with the bride's father. The *mesa franca* was for a period of two to three years; it was given only by the bride's father, since living with the groom's family was the normal arrangement and needed no contractual provision.[126]

An obligatory part of the marriage contract was a promise by the groom to pay his wife a sum of money if the marriage was ended by divorce or his death; this was to help ensure her security. The groom promised another sum, *tosefet* (addition), which would also be paid if the marriage was terminated. Both sums were written into the formal marriage contract.[127]

An example of arranged marriages, the way they were implemented, and the role of society in buttressing and defending the norms of behavior is related in a case decided by Rabbi Tam Ibn Yaḥya in Istanbul at the beginning of the sixteenth century. Re'uven,[128] who resided in Istanbul, arranged for the marriage of his daughter to Shim'on, who lived in Salonika. Re'uven signed a document in which he pledged to give his daughter a dowry of 8,000 *akçe*. Shortly afterward he was exiled to the island of Rhodes as *sürgün*; at that particular time, Shim'on was not in Salonika. Re'uven left his daughter in Salonika and instructed the heads of the community that upon Shim'on's return, they should sell a shop that Re'uven owned in Sofia in order to provide the money for the dowry.

When Shim'on arrived in Salonika, the community sold the shop—but the sale brought in only 3,000 *akçe*. The disappointed groom left Salonika and went to Üsküp (Turkish; Skoplje [Slavic]); however, he was brought back against his will by the heads of the Salonika commu-

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126 See Rabbi Mosheh mi-Trani, *Responsa*, vol. 2, 338:63b, and compare with 344:65a (in Safed); cf. Yuhasz, "Objects and Customs," 197–98. (In the English edition, pp. 197–200).

127 For a description of these customs in later generations, see Yuhasz, "Objects and Customs," 198 (In the English edition, pp. 197–99); Bornstein-Makovetsky, "The Jewish Family." For a document that summarizes the traditions followed in the Jewish neighborhood of Hasköy and lists the components of the marriage contract, see *Register of Istanbul Community Rabbinical Court 1840–1847* (in Hebrew), 5a–b.

128 The name, like all others in the case cited, is a stereotypic one and has nothing to do with the real names of the people involved in the case.

nity, who made him marry his fiancée. They also gave him a formal written promise that they would force his father-in-law to pay him the balance of the dowry when Re'uven came to Salonika. Shim'on agreed, and married the girl.

In the meantime, Re'uven died in exile and left two sons who, as the heirs of his estate, were responsible under Jewish law for the payment of their sister's dowry. Both sons moved to Bursa; from there, one of them sent some money to be deposited with his relatives in Istanbul. Shortly afterward, both brothers died. Shim'on then went to Istanbul and demanded that he be paid the rest of the dowry from the money deposited there by Re'uven's son. When the case was brought to Rabbi Tam Ibn Yaḥya for a ruling, he declared that the money should be paid to Shim'on without further ado.[129]

The foregoing chain of events held an important implication for Jewish families in regard to arranged marriages: the arrangements would be enforced anywhere, by any Jewish court, even under difficult conditions. At the same time, society would make sure that these arrangements, once agreed upon, would lead to marriage (as the Salonika community leaders did in making Shim'on return to Salonika and marry Re'uven's daughter).

The seriousness attached to these arrangements was especially grave in Istanbul. Once they were signed, the bride-to-be received presents (*sivlonot* in Hebrew) from her husband-to-be, such as a valuable piece of cloth (silk, brocade or gold-embroidered velvet) or a piece of jewelry, and her future husband received similar presents from her family.[130] Acceptance of the *sivlonot* was legally binding on the woman; she could free herself to marry another man only if her betrothed gave her a formal bill of divorcement.

This strict rule persisted among the Romaniot Jews, and since they constituted the majority of the community (at least until the mid-sixteenth century), the Iberian Jews followed suit until the first half of the seventeenth century.[131] Accepting the *sivlonot*, directly or through an agent, meant that a commitment had been made even if the formula

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129 Ibn Yaḥya, *Responsa, Tumat Yesharım*, 153:48b.

130 On a golden comb, shoes, and sweets sent by a man who negotiated a match in Salonika to his future bride who later moved to Istanbul, see Mizraḥi, *Responsa*, 18:49 (doc. 15 below); on two scarves sent as *sıvlonot* to a widow from the Sicilia congregation, see ibid., 69:236. On the presents sent by the parents of a betrothed girl to her future husband, see ibid., 16:35.

131 Freiman, *The Order*, 196–203.

of the *qidushin* had not been pronounced, since it implied a legal commitment in the form of a purchase (*qinyan*).[132]

Qinyan was one of three ancient ways in which a woman could be bought according to Jewish law; the other two were a bill of purchase[133] and sexual intercourse.[134] In the sixteenth century, most Jewish communities accepted only one procedure: *qidushin* (betrothal by way of purchase, usually with a ring, while saying the blessings of betrothal), and *nisuin* (marriage under the canopy, which included handing the marriage contract to the bride, saying the blessings of marriage, and breaking the glass). Both *qidushin* and *nisuin* were performed in the same place, at the same time, and in the presence of ten witnesses. The methods of *qidushin* solely by purchase or by sexual intercourse alone became invalid.[135]

Among the Romaniots in Istanbul and elsewhere, however, *qidushin* and *nisuin* took place in separate ceremonies at different times. Once she accepted the *sivlonot* the bride-to-be was unavailable to any other prospective groom, although her marriage had not yet been finalized.[136] Among the Iberian Jews she was still forbidden to have sexual relations with her future husband—but among Romaniot families it was normal for the betrothed couple to spend much time together and have regular sexual relations, even if a year or more passed between *qidushin* and *nisuin*.

This difference in customs was a key factor in the Badurqi-Ibn Ẓur scandal. Badurqi's daughter, a young Romaniot girl, was deserted by her fiancé, a Spanish immigrant, after they had spent nine months together in intimacy. She threatened to commit suicide, and cried that she had given herself to him with the understanding that what they were doing was an expression of their new status; she believed that her status was similar to that of a married woman. The legal discussion of the case, probably written by Rabbi Eliyahu Mizraḥi, stated that it was cus-

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132 Ibn Yahya, *Responsa, Tumat Yesharım* 142:69b; HaLevi, *Responsa, Zeqan Aharon*, 144:79a; on the ambiguity of the *sıvlonot*, see also Freiman, *The Order*, 154–60.

133 Not to be confused with the *ketubah*, a contract expressing the commitments of the two parties to each other; the contract mentioned here is a bill of purchase

134 *Qıdushın*, 2a.

135 A. Schereschewsky, *Famıly Law* (in Hebrew) (Jerusalem Rubın Mass Publishers, 1958), 34–38.

136 On an Istanbuli cantor who was bewildered by the intention of a couple to perform both ceremonies, *qıdushın* and *nısuın*, under the canopy on the same occasion, and the ambiguity of the personal status of the betrothed, see Mızrahi, *Responsa*, 4:16.

tomary among autochthonous Jews for a betrothed couple to spend time in intimacy so that they could become used to each other. The Hebrew sources call it "the custom of the sons of Judea" (as opposed to "the custom of the sons of Galilee"); it was practiced by all Byzantine Jewry, including those of southern Italy and the islands.[137] The persistence of this "custom of the sons of Judea" among the Byzantine Jewry through the generations is undoubtedly connected with the similar custom among the Greeks themselves. In seventeenth-century Naxos the cohabitation of betrothed couples for several years before the official marriage took place was very common, infuriating the local clergy.[138]

In 1530 Rabbi Benyamin ben Matatyah of Arta in Epirus tried to change the custom in his town (where betrothed couples were living together, as in the case of the Badurqi-Ibn Ẕur couple). Several brides-to-be of immigrants from southern Italy were in a state of advanced pregnancy without having been immersed in the ritual bath, without the marriage blessings, and without the ceremony under the canopy. Matatyah ruled that it was forbidden for a betrothed man to enter the house of his bride-to-be. It would be reasonable to ask whether such incidents occurred before 1530, and why Matatyah was so anxious this time but not before. Was it his connection with Venetian Ashkenazi Jewry?[139]

Matatyah's strict Ashkenazi colleagues may have influenced him, but the fact that the women were from Sicily and southern Italy points elsewhere. Matatyah was concerned that the local Romaniots and others would emulate the immigrant couples. The intimacy of local Romaniot couples who became betrothed had an air of sanctity from the beginning of the bond: the blessings were said immediately after the betrothal and the bride-to-be immersed herself in the ritual bath. By contrast, the behavior of the newcomers was free-and-easy and irresponsible; sanctity

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137 See, for example, Mizrahi, *Responsa, Mayim 'Amuqim*, 1:1a (doc. 7 below); idem, *Responsa*, 4:16; S. Assaf, "The Family Life of the Jews of Byzantium" (in Hebrew), in idem, *Be-Oholei Ya'aqov* (Jerusalem: Mosad ha-Rav Kook, 1943), 99–102.

138 Kasdagli, *Land and Marriage*, 233

139 On the regulation of the betrothed in Arta, see L. Bornstein-Makovetsky, "Life and Society in the Community of Arta in the Sixteenth Century" (in Hebrew), *Pe'amim* 45 (1990): 129–32, 143–46; Rabbi Eliyahu Capsali, *No'am ve-Ḥovlim*, 33–52, 164–75; Benyamin ben Matatyah, *Responsa, Benyamin Ze'ev*, vol. 2 (Jerusalem, 1959), 303–308:224–277; HaLevi, *Responsa, Zeqan Aharon*, 117:72a–73a; Ibn Yahya, *Responsa, Tumat Yesharim*, 167–170:81a–86a; Rabbi Yosef ben Shelomoh Taitaẕaq, *Responsa*, 10:82–88; Rabbi Shemuel Qala'i, *Responsa, Mishpetei Shemuel* (Venice, 1599), 26:21b. On Matatyah's connections with the Ashkenazi sages of Venice, see M. Benayahu's introduction to the photographed edition of Matayah's *Responsa* (Venice, 1539) *Prolegomenon to the Responsa 'Benjamin Ze'eb'* (Jerusalem: Yad ha-Rav Nisim, 1989).

was hardly the word to describe it. The difference between the attitudes of the local Romaniots and the immigrants was stressed not by Matatyah, but by the Istanbuli rabbis who were consulted on the matter.[140]

A great controversy ensued. The Apulian congregation in Arta refused to obey Matatyah's ruling, declaring that it was their forefathers' custom for the betrothed man to enter the house of his bride-to-be and eat and drink with her, so it should not be prohibited. However, the heads of the three other congregations in Arta—the Romaniots, the Spanish-Portuguese, and the Sicilians and Calabrians—agreed to the new regulation.

Matatyah wrote to the sages of Salonika and Istanbul for support. However, he did not reveal the extreme nature of the regulation—that, in order to eliminate co-habitation and sexual intercourse before marriage, it prohibited *all* social contact between the betrothed couple under the roof of the bride's father.

Matatyah obtained the approval of several rabbis in Salonika: Eli'ezer HaShim'oni, Shelomoh Cabalier, Yosef ben Shelomoh Taitaẓaq, Shelomoh Albukher (also called Ḥalaẓ), and a student who signed only his first name, Yehudah. He also received confirmation from Rabbi Nathan ben Menaḥem of Igra (Negroponte [Italian]; Eğriboz [Turkish]; Halkis [Greek]) and Benedit Exildar Ashkenazi of Venice, as well as several rabbis in Istanbul: Eliyahu HaLevi (at that time Leading Rabbi, *rav ha-manhig*), Shelomoh ben Ya'aqov Ibn Weila (Weil), Menaḥem ben Shemuel Qabuli (the future *rav ha-manhig*), Tam Ibn Yaḥya, and Yehudah Ibn Bulat. Thus, the regulation was approved by prominent representatives of the three main ethnic groups of Istanbul Jewry: the Iberian Jews, the Romaniots and the Ashkenazim.

Nonetheless, the rabbi of the Apulian congregation in Arta, David Vital, was not satisfied. He sent another query to the same rabbis and others in Salonika and Istanbul in 1534, elaborating on the social situation in Arta and explaining his objection to the regulation. This time he received a different response, which reflected the new information he had sent.

Rabbi Yosef ben Shelomoh Taitaẓaq reviewed his decision after being told that the problem was not only one of morals, but also the attempt of Rabbi Benyamin ben Matatyah to extend his power to all of the congregations in Arta on the grounds that the majority could impose its will on the minority.

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140 Matatyah, *Responsa Benyamin Ze'ev*, vol. 2, 305:244.

This principle was highly objectionable in Salonika, where fierce struggles were waged between congregations anxious to preserve their autonomy in making their own covenants and regulations. Rabbi Yosef ben Shelomoh Taitaẓaq understood that the wording of the regulation was too extreme and was contrary to the customs of most of the Romaniot congregations he knew. Consequently, he and five other rabbis agreed on a new responsum affirming the right of the Apulian congregation in Arta to dissent from the new regulation. From the Salonikan point of view, young Apulians could continue to visit their brides-to-be in the homes of their future fathers-in-law.[141]

The Istanbuli point of view (which is of more immediate concern in our context) reflected an understanding of the conflict between law and reality. In the Istanbuli rabbis' original approval of the regulation, cited in Matatyah's responsum, they admitted the prevalence of the custom but rejected it.

But the attitude of youngsters such as the Artians and the Istanbuli Yehudah Ibn Ẕur differed from that of the old Romaniot Jews: "In the matter of the betrothed man who enters the said house [of his bride]... it is a very despicable custom, however, since there had been an ancient custom in Romania, in several [places] to let the betrothed man enter the house of his bride, they did not do the same [as the newcomers in Arta], they [the Romaniots] would say the groom's blessing on the occasion of the betrothal, so that there will not be a bride without a blessing, and they [the brides] would dip in the ritual bath, so that they will not commit a transgression [by having sexual intercourse without the necessary visit to the ritual bath]."[142]

The Istanbuli rabbis were saying that betrothal was a de facto marriage—with the difference being that the marriage feast had not yet taken place, the bill of marriage had not yet been read, the bride had not entered the canopy, and the economic obligations between the couple were not yet binding. These rabbis took into account the possibility that there would be sexual intercourse before the marriage ceremony, and therefore sought ways to make the betrothal as binding and "holy and blessed" as possible.

On the other hand, Rabbi Tam Ibn Yaḥya said, in the first round of the discussion, that he could not approve of a man writing a bill of mar-

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141 Rabbi Yosef ben Shelomoh Taitaẓaq, *Responsa*, 10:82–88. On the Salonikan attitude toward the freedom of congregations, see my "Individual and Community," 215–74.

142 Matatyah, *Responsa, Benyamin Ze'ev*, vol. 2, 305:244.

riage (*ketubah*) and then considering himself free to live with his fiancée even before the ceremony, since the betrothal blessing explicitly said: "Blessed be ...he who had forbade us the betrothed." This was exactly what Matatyah wanted to reinforce—that the betrothed were still forbidden and that betrothal was not marriage. But this contradicted the actual situation in Istanbul.

Both Rabbi Tam Ibn Yaḥya and Rabbi Eliyahu HaLevi later stated that the Arta community would not be able to live up to the regulation. The rabbis could not prevent the betrothed couples from seeing each other under the same roof, but in order to prevent sexual relations, they declared that the couple should never be *alone* under the same roof.[143]

It is unclear whether this resolution for the Jews of Arta was also binding on the Jewish community in Istanbul, or at least influenced what happened there. Rabbi Matatyah, who refrained from quoting the second round of responsa by HaLevi, Ibn Yaḥya and Taitaẓaq, did cite their Istanbuli colleague, Rabbi Menaḥem Qabuli (soon to be *rav hamanhig* in the capital), who appeared to be adhering to his original decision.[144]

It is conceivable that the slow but constant influence of the Muslim Ottoman culture, which was very strong in Istanbul, eventually eliminated intimate relations among betrothed Istanbuli couples. Still, the custom apparently continued among the Romaniots in the first half of the sixteenth century, and they attached great importance to the betrothal and the betrothal gifts, the *sivlonot*.

It appears that among the Romaniots of Istanbul the betrothal ceremony was performed after the presentation of the *sivlonot*, yet it seems that acceptance of the *sivlonot* itself meant, in practice, that *qidushin* had taken place—and, in fact, the couple did not wait for the *qidushin*, blessings or ritual bath, as the rabbis imagined.[145] Thus, a mere exchange of presents, which to other groups simply meant that a match had been arranged, became as binding as marriage to the Romaniots and was treated with the same seriousness.[146]

Enormous importance continued to be attached to the betrothal long after the decline of the custom of regarding the *sivlonot* as binding.

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143 Ibn Yahya, *Responsa, Tumat Yesharım*, 169–170:83b–86a; HaLevi, *Responsa, Zeqan Aharon*, 119:73a–b.

144 Matatyah, *Responsa, Benyamın Ze'ev*, vol. 2, 308:247.

145 Mizraḥi, *Responsa*, 18:49–52 (doc. 15 below), 19: 52–53 (doc. 17 below). Cf. p. 134 above.

146 Assaf, "The Family," 105–106 and refs.

Among the Jews of Istanbul, it still plays a key role in the engagement arrangements to this very day.[147]

It could be argued that holding the *qidushin* and *nisuin* on the same occasion would avoid the limbo in which an engaged Romaniot girl found herself. However, since acceptance of the *sivlonot* meant that *qidushin* had taken place, the Spanish Jews who performed the *qidushin* and *nisuin* ceremonies together still found themselves caught in the same limbo between betrothal and marriage, along with the Romaniots (as well as the Ashkenazi Jews, who also practiced *sivlonot*). The large number of mixed Romaniot-Iberian marriages forced the Spanish Jews to accept *sivlonot* as binding, albeit very unwillingly.[148]

Another problem of the *sivlonot* was that it made it possible to establish a legal bond between two young people against the will of their parents or guardians—which was unacceptable in a society in which the main goal of marriage was to secure the best economic conditions for assuring the continuation of the line. Young couples were not inclined toward the careful and realistic planning required to achieve this goal. Moreover, a man could trick an unwilling or uninterested girl into taking a object of value from him, and thus declare that she was betrothed to him.[149] The Iberian Jews pressed for a solution.

To avoid these complications, and above all to keep control of matchmaking in the hands of the family and the congregation, the congregations of Istanbul agreed just before 1525 that, under pain of excommunication, no one could perform the act of *qidushin* unless it was made in the presence of ten witnesses.[150] However, the agreement did not invalidate *qidushin* made in the presence of only two witnesses,

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[147] In 1988, I recorded a conversation with an eighteen-year old girl in Istanbul. She expressed disappointment at not being able to pursue her studies in chemistry. When I asked her why, she replied: "What shall I do with a degree? I have a boyfriend." I suggested that she discuss her intentions with her boyfriend, and if he did not agree and she still wanted to go on with her studies so much, she could always leave him. To my surprise she answered: "How can I do that? There is already an understanding between the families [meaning that financial agreement was concluded], and I received this ring!" Although they were not yet married according to either Turkish law or Jewish law, she considered the bond to be as final, committing and irrevocable as actual marriage.

[148] On the usage of *sivlonot* in *Qostandinah*, see Mizrahi, *Responsa*, 17:43–49, 18:49–52 (doc. 15 below), 19:52–53 (doc. 16 below); Rabbi Mosheh mi-Trani, *Responsa*, vol. 2, 338:63b. On the problems arising from the Istanbuli usage of *sivlonot*, and the differences between agreeing on a match in principle and the actual betrothal (*erusin* in Hebrew, *disposario* in Judeo-Spanish), see Bassan, *Responsa*, 30:29b. Compare with Freiman, *The Order*, 156–60.

[149] HaLevi, *Responsa, Zeqan Aharon*, 18:28; Medina, *Responsa, Even ha-'Ezer*, 36:20a-b.

[150] Mizrahi, *Responsa*, 26:77.

thus leaving a loophole for a young man who aspired to a marriage not desired by the potential bride's family.[151]

The presentation of the *sivlonot* could be performed either in the privacy of the family home or with great publicity. However, both the formal betrothal and the marriage itself were very public occasions, whether conducted together, according to the custom of the Iberian and Ashkenazi Jews, or separately, as was traditional among the Romaniots. Among the Romaniots, the marriage ceremony was the central and more important of the two events in terms of investment.

In the thirteenth century, the first Rabbi Yesha'ayah mi-Trani described Romaniot marriage customs: "The usual practice in Romania is that right after the betrothal the betrothed [woman] and the husband are brought together with the seven blessings, and after a long time they make a great feast, called *istefanomata* in Greek, and it is well known that this is their main feast."[152]

Although this source may shed light on the ideal order of events in the life of a Romaniot couple at the beginning of the sixteenth century—arranging a match, betrothal (which enabled the couple to have sexual relations), and eventually marriage—we have no other evidence for the celebration of the *istefanomata* in that period. It was influenced by the Byzantine ceremony in which the couple was crowned twice with diadems, at the beginning of the festivities and at the end.[153]

A typical wedding party among the Spanish Jews of Galata in 1592 was "a time of gladness, [a time] to unveil nakedness, and to sing and dance in front of brides, when virgins gather, crowds and crowds of boys and old men, adults and children happy and joyous as if they have found a great fortune."[154] The wedding included an elaborate meal, dancing and singing. Both Spanish and Romaniot groups had special songs written in honor of the bride, the groom, love and marriage. Since the same artists performed at most local weddings, this contributed to the amassing and unification of a treasure of marriage poetry.[155]

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151 Freiman, *The Order*, 160–64. See also Mizrahi, *Responsa*, 26:76; Shelomoh ben Avraham HaKohen, *Responsa*, vol. 1, 3:4b and compare with vol. 1, 47:72b; Ibn Lev, *Responsa*, vol. 1, 18–19·59–72.

152 Assaf, *The Family*, 176.

153 Compare with Mishnah, *Sotah*, 9:14

154 Ẓonẓin, *Oznei Yehoshu'a*, *Sermons*, 59:91a.

155 For a rich collection of betrothal and marriage songs of both the Spanish and Romaniot groups, see Shelomoh ben Mazal-Tov, *Songs and Lyrics, and Praises* (in Hebrew) (Istanbul, 1545). On this book, see pp. 128–29 above. See also Lamdan, *A Separate People*, 37–40 and the refs. (In the English edition, pp. 41–46, and the refs.)

The Extended Household and Its Limitations

A newly wed young couple usually lived in the household of the husband's parents, where the groom would learn his father's trade and the bride would start taking part in household chores under the supervision of her mother-in-law.[156] However, if the bride did not have any brothers, the couple would normally join her family's household.[157] In a fortunate family which had not been decimated by plagues and epidemics, there would be two or three other couples in the household. Each couple had a room in the family home; the father had superior authority, and his first wife was responsible for all internal matters. But, according to evidence at our disposal, there were not many such large households.

When the father died, the eldest son and his wife would become the heads of the family, or the younger brothers would leave to create their own households. Much depended on the initiative and the talents of the man, and the extent of the cooperation between him and his father or brothers.[158] Although our stereotypical family of the pre-industrial world is an extended household with several generations and branches of the family living in the same house, this was true only for lucky and wealthy families. In reality, most families simply were not fortunate enough to have both sons and grandsons under the same roof. Furthermore, the death of the *pater familias* often resulted in the division of the household, although this did not necessarily dissolve the ties of loyalty and common interests.[159]

Second and Third Marriages

One of the more interesting aspects of family formation is the number of marriages per person. A widowed or divorced man was usually in a

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156 For a history of an extended family, see Ibn Yahya, *Responsa, Tumat Yesharım*, 128:60b (doc. 17 below).

157 See, for example, Medina, *Responsa, Even ha-'Ezer*, 27:15a–16b (doc. 17 below).

158 Ibn Yahya, *Responsa, Tumat Yesharım,* 128:60b; Rabbi Mosheh mi-Trani, *Responsa*, vol. 1, 236:33b, on the normal circumstances of a married son living in his father's household (lit., "leaning at his table"); Bassan, *Responsa,* 101:69b, on a person uprooting a fig tree in his courtyard in order to build an extention for his newly wedded son; idem, *Responsa*, 111:75b, on two brothers sharing the same courtyard, which included a two-story house and a cistern.

159 Compare with my analysis of seventeenth-century Jewish Istanbuli private space in "Public Space and Private Space Among the Jews of Istanbul in the Sixteenth and Seventeenth Centuries," *Turcıca* 30 (1998): 343. See also A. Duben's analysis of Turkish families in the nineteenth and twentieth centuries ("Turkish Families," 91–94).

hurry to remarry; he needed a new mistress for his household, a mother for his children, and a bedmate for himself (in that order, more than anything else).[160] But what were the chances of a divorcée or a widow in that market? The importance of virginity at marriage is stressed in various ways in the documentation presented here;[161] the Jewish society of Istanbul did not differ from other Mediterranean societies of the time in this respect. This indicates that the chances of a divorcée or a widow who wanted to remarry were not very good. Who would want her?

Surprisingly, however, women married two or three times; their chances of finding a match were not curtailed by having been married once or twice before. Rabbi Shelomoh was interested in marrying Jamilah Siciliana, an Istanbuli widow—but she was so confident of her marketability that when his betrothal presents were not of the value and quality she expected, she found a pretext to call off the match and accepted betrothal from someone else.[162] A forty-five-year-old woman, widowed twice, was forced into levirate marriage because her brother-in-law insisted on it.[163] A converted woman whose husband had abandoned her remarried, was widowed, returned to Judaism in Istanbul, and was about to marry for the third time.[164] A divorced woman married a priest, which was a forbidden marriage according to Jewish law.[165] A pregnant widow hired two wet-nurses for her yet unborn baby because she already had a prospective match in mind.[166] Rabbi Eliyahu Mizraḥi stated that the prohibition against the remarriage of a woman who had been widowed twice—by virtue of her "killing nature"—was not valid in Istanbul, since many women married more than twice.[167] These are only a few of many cases in the literature.[168]

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160 On second marriage for men, see for example, HaLevi, *Responsa, Zeqan Aharon,* 87:58a, 199·108a.

161 See, for example, Mizrahi, *Responsa*, 29:77. Compare with the deposition of "knowledgeable women" who attest to the fact that a certain young girl had lost her virginity due to an accident (Ẕabah, *Tiqun Sofrim*, 41–43:55a–56b). (Compare with *Yevamot* 59b–60b, *Ketubot* 11b:16a, etc.)

162 Mizrahi, *Responsa*, 69:236–39.

163 Ibid., 22:60–61; HaLevi, *Responsa*, 40:37b.

164 Mizrahi, *Responsa*, 21:59–60.

165 Ibid., 60:195, 100:288.

166 Idem, *Responsa, Mayim 'Amuqim*, 10:9a.

167 Mizrahi, *Responsa*, 22:60–61. On that prohibition, see Maimonides, *Hilkhot Isurei Bi 'ah,* 21, 31; idem, *Responsa*, vol 1, 15; vol. 2, 218. Compare with Lamdan, *A Separate People*, 160. (In the English edition, pp. 200–201.)

168 See more in HaLevi, *Responsa, Zeqan Aharon,* 87:58a, 185:102a–b. See also Ibn Lev, *Responsa*, vol. 2, 30:88 (in an unspecified place); ibid., 67:167 (place unspecified; either Istanbul or Salonika).

Before trying to assess the significance of this behavior, it should be noted that the same pattern existed in the Muslim community of Kayseri in the seventeenth century. Ronald Jennings, who studied the group, concluded that virginity was not as paramount as had been assumed; practical considerations were at least as important.[169] His assessment is based on the fact that in provincial, semirural and rural society, women were viewed mainly as a labor force; thus, the relative irrelevance of virginity diminished its value. However, in addition to the difference in religion between Kayseri and Jewish Istanbul, another distinction is that Istanbul was an urban society and not a provincial town. In addition, immigrants made up a substantial portion of the Istanbuli Jewish population. In what way and to what extent did these factors influence the value of virginity in Jewish Istanbul?

Among first-generation Iberian immigrants, virginity played almost no role at all; thus the fact that a prospective bride was a widow or a divorcée was unimportant. Most of the immigrants were still in their fertile period, and some had been on the road for years. Struggling to survive, they were either unsupervised by social control mechanisms, or in situations that made such supervision ridiculous. Their own concern, and that of the society around them, was the rebuilding of families.[170]

A brief glimpse into the marriage patterns of another group in another period can be helpful. Fortunately, we have data for several consecutive months on the Greeks of Constantinople in 1399–1400. The Greek Orthodox Church strongly disapproved of second marriages, especially of widows, apparently because of concern over the future of the children from the first marriage.

Nevertheless, second and third marriages were not exceptional. Of the forty-one marriages listed in the records of the patriarchate of Constantinople during those months, thirteen men and twelve women were contracting a second marriage![171] Thus, though they deviated from the ecclesiastical norm, second marriages were almost as common as first marriages. While the population was Greek Orthodox, not Ottoman, this situation illustrates the reality in an urban Mediterranean society of the time. Unlike the large immigrant population among Jewish Istanbulis in the fifteenth and sixteenth centuries, the Greek group was stable.

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169 R.C. Jennings, "Women in Kayseri," 92–93; idem, "The Legal Position of Women in Kayseri, A Large City, 1590–1630," *International Journal of Women's Studies* 3 (1980): 576.

170 See above, pp. 102–110.

171 Laiou, "The Role of Woman in Byzantine Society," 235–36.

Apparently, then, the pattern of remarriage in fourteenth-century Christian urban society was similar to that in provincial and semirural Muslim society two hundred years later. This indicates that the perception of women as a labor force (according to Jennings's observation of provincial society) was not the only influence, and helps clarify the issue of remarriage among the stable parts of Istanbul Jewry—the Romaniots and the second-generation Iberian Jews (i.e., after the reconsolidation of former values).

The picture that emerges is that for a female about to embark on her first marriage, virginity was a mandatory demand—and her inability to prove virginity was a legitimate cause for divorce by her husband. Since sexual intercourse during the period of betrothal was not unheard of, it could lead to grave consequences for the woman if the marriage process was not completed.[172] A logical conclusion would be that wealthy widowers or divorcés preferred very young girls when marrying for the second or third time, mainly as a status symbol. Only the richest people in the city were able to take very young virgins as their second or third brides, because only they could afford the nannies, servants and slaves needed for household management and child-rearing chores. Continuation of the line by bringing more children into the world was given as an ostensible reason for such marriages, but the high rate of miscarriages and stillborn babies made this an uncertain result.

While women from the lower strata of society were valued for their labor, most of the women who married for a second or third time came from the middle and upper-middle classes. Since these women did not bring either virginity or labor to the marriage, what did they bring? A young middle-class widow with a baby or even two children was an attractive match for several reasons.[173] First of all, her new husband did not have to wait till she reached puberty in order to have a normal sex life. Second, she had living proof that she was capable of bearing healthy children. Third, in most cases, she would have had a certain amount of experience in child rearing and household management.

The male children of such a remarried widow would not stay with her; only the female children would become part of the new household. Although the support of his new wife's daughters might be a concern for her husband, in many cases it would be covered by their father's legacy. If money from the legacy remained after the marriage contract

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172 See, for example, Mizrahi, *Responsa, Mayım 'Amuqım*, 1:3a.
173 Ibıd., 10:9a.

was paid off, the heirs were obligated to allocate financial means to ensure the well-being and marriage of a fatherless female, even if she lived with her mother in the home of a new husband.[174] Hence, in such cases, the widow entered her new marriage with a certain amount of property: her former marriage contract money, and the assets she brought to that marriage in the status of *nikhsei melog*. It was only in lower-class families that the wife's value as a laborer inside the household (and sometimes outside it[175]) carried weight; still, in Istanbul as in provincial societies, this was enough to make an adult widow or divorcée a very attractive match.

Another aspect of multiple marriages is that most couples had no choice in their first marriages. The woman was almost always immature, so the chances of her being happy were not great. For both sides, a second marriage was more a matter of choice, and they were physically and mentally more mature. From their point of view, if not objectively, their chances for a stable and satisfying common life were better than in their first marriages.

An older woman no longer capable of reproduction was considered a good match for an elderly man, mainly for taking care of his family's daily needs. If she lacked financial means of her own, this was a way to gain a house and a provider. But if she had sufficient assets, she could allow herself to remain unmarried; for her, widowhood would mean economic and social freedom to an extent other women could not enjoy, whereas marriage would only mean curtailing and diminishing her freedom and quality of life.

However, a woman leading a solitary life was viewed very negatively in Ottoman society,[176] and that could be a high price to pay for liberty. Such a widow, of course, was the preferred match for an old widower, and she would be subjected to social pressure to get married.[177] A legitimate way to avoid such pressure was to make *'aliyah*—i.e., emigrate to the Jewish community in Palestine. That was the declared intention of an Istanbuli woman who was fed up with her husband. She claimed that since she had decided to go to Palestine and he did not intend to accompany her, she was entitled to a divorce accord-

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174 See above, pp. 131–32.

175 On women's labor, see below, pp. 219–20, 234, ref. 39

176 I.C. Dangler, "Turkish Women in the Ottoman Empire—The Classical Age," in N. Keddie and L. Beck, eds., *Women in the Muslim World* (Cambridge MA: Harvard University Press, 1978), 229–44.

177 See, for example, Mizraḥi, *Responsa*, 22:60.

ing to Jewish law.[178] The abnormal number of widows who had already settled in Jerusalem at that time attests to the popularity of this choice.[179] Aside from religious piety and mystical belief in the value of burial in Jerusalem, the motives of elderly widows who settled in the Holy Land sometimes included a desire to escape their social status in Ottoman lands.

In summation, virginity seems to have been a mandatory demand for a female at the time of her first marriage—not only as proof of her chastity and modesty in the past, but also as an indication of her future behavior. On the other hand, divorce or the death of a spouse did not mean the end of wedded life for the Jews of Istanbul; most would find a new mate, and many of them would bear children with their new partners. The characteristics of Jewish society in Istanbul seem to have been similar to those which persisted throughout this part of the world, in both provincial and urban society, among all religions, and across many generations.

Polygamy

Ancient Jewish law does not deny a husband the right to marry more than one wife. At the same time, the Hebrew word for a second wife, *ẓarah*—which means both an enemy (of the first wife) and a misfortune[180]—in a household where there is already a wife, reflects the social and emotional meaning of such a familial reality from the female point of view. The Talmud has two schools of thought in regard to polygamy; one accepts it, the other rejects it.[181]

During the period of the Babylonian *Ge'onim*, and especially from the twelfth century onward, a widespread practice in the Middle East was for the marriage contract to include a clause committing the groom to refrain from marrying another woman during his wife's lifetime. This was often conditional: if the wife did not produce an offspring within a certain time, the husband would be allowed to take another wife in ad-

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178 Ibn Yahya, *Responsa, Tumat Yesharım,* 66:34b–35a.

179 Rabbi Mosheh Basola, (*Travels* [in Hebrew] in A. Ya'ari, ed., *Travels to Erez Yisrael* [in Hebrew] [Ramat Gan: Masada Press, 1973], 149), relates that 500 widows reside in Jerusalem (ca. 1523), and live quite comfortably from the interest on their money deposited in the coffers of the Jewish community. The size of the whole Jewish community of Jerusalem at that time was about 2,000 people.

180 I. Sam. 1:6: "Moreover, her rival, to make her miserable would taunt her that the Lord had closed her womb."

181 *Yevamot*, 65a. Maimonides (*Hılkhot Ishut* 14:3) follows the school which accepts polygamy.

dition to the first one. If the first wife would rather have a divorce than share her husband with another woman, the husband had to divorce her and pay off her marriage contract. The inclusion of this clause in the marriage contract was not obligatory, and when it was not included there was no legal limitation on polygamy.[182]

In the Middle Ages, an amendment to Jewish marriage law in the lands of Ashkenaz was attributed to Rabbenu Gershom Me'or ha-Golah (Our Rabbi Gershom, the Light of the Diaspora), who lived in Mainz in the years 960–1028. The amendment prohibited a married Jewish man from marrying again in his first wife's lifetime, and from divorcing his wife against her will. The amendment, enforced by the severe sanction of total excommunication, was named after Rabbenu Gershom (*Ḥerem de-Rabeno Gershom,* or the acronym *ḤadRaG*). However, there is no indication that this amendment existed before the twelfth century, and no proof that it was initiated by the famous scholar after whom it was named.[183] The ruling was accepted by all Ashkenazim, but not by Sephardi Jews. Nevertheless, both Iberian Jewry and Eastern Jewry adopted the practice of including clauses in the marriage contract that made polygamy difficult to implement.

Polygamy was a communal matter among Ashkenazi Jews—but in the Iberian world and in the Middle East it was more of a private matter, since most of these communities had no communal regulation banning it. Despite the custom of limiting the husband's ability to take another spouse during his first wife's lifetime, there is ample evidence that polygamy was not rare on the Iberian peninsula or in Arabic-speaking lands during the Middle Ages.[184]

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182 See especially Friedman, *Polygamy in Israel*, 19 and the rich bibliography there. See also Lamdan, *A Separate People,* 116, and the bibliography. (In the English edition, pp. 146–51.)

183 On Rabbenu Gershom's amendment and its implementation, see A. Grossman, *The First Sages of Ashkenaz* (in Hebrew) (Jerusalem: Magnes Press, 1981), 132–49; *Talmudic Encyclopedia* (in Hebrew), s.v. "ḤadRaG"; Finkelstein, *Jewish Self-Government,* 20–34, 111–47; Friedman, *Jewish Polygamy in the Middle Ages,* 19–21; S.Z. Havlin, "The Regulations of Rabbenu Gershom Me'or ha-Golah in Matters of Family Law" (in Hebrew), *Shenaton ha-Mishpat ha-'Ivri* 2 (1975): 200–257.

184 Friedman, *Jewish Polygamy in the Middle Ages,* 19, 26; Havlin, "Rabbenu Gershom's Regulations," 205; Y. 'Assis, "The 'Ordinance of Rabbenu Gershom' and Polygamous Marriage in Spain" (in Hebrew), *Zion* 46 (1981): 251–77; M. Litman, "The Jewish Family in Egypt" (in Hebrew) in J.M. Landau, ed., *The Jews in Ottoman Egypt (1517–1914)* (Jerusalem: Misgav Yerushalayim, 1988), 230–33. On the existence of clauses included in marriage contracts registered in 18th century Cairo's Muslim court of law, meant to prevent the husband from taking a second wife, along with the prevalence of polygamy among affluent families of all creeds, see M. Afifi, "Mariage et vie

Ruth Lamdan, who studied the status of Jewish women in Arab lands during the sixteenth century, has shown that not only Arabic-speaking Jews were polygamous in the Ottoman Empire. Iberian and Ashkenazi Jews in the area solved certain family problems—such as the lack of children or the death of a childless brother who left a widow with a high-priced marriage contract—by taking a second wife. No matter what circumstances induced a man to take a second or third wife, this was always a privilege of the rich. Iberian and even Ashkenazi sages in Ottoman lands ruled in favor of such marriages; in Ashkenaz at least, the cases would never have been decided that way. Lamdan attributes the shift towards polygamy in these parts of the world to the influence of the local Muslim society, where polygamy was normative.[185]

A discussion of the situation among the Jews of Istanbul, as in other issues examined on the basis of legal literature, needs to be conducted on two levels: what the scholarly and legal opinions and rulings said, and what the people actually did.

When did it become prevalent for marriage contracts to commit a groom not to take a second wife and not to divorce his wife without her consent?[186] The meager sources on Jewish family law in the Byzantine Empire do not let us ascertain. There is no doubt, however, that when the expellees arrived in Istanbul, inclusion of this commitment was already widespread. Moreover, it was espoused by the Iberian immigrants not only in Istanbul but also in Salonika, where there were no Romaniots.[187] Adherence to the custom means that polygamy was not highly regarded in Istanbul, and most men lived up to their marital commitment. Rabbi Tam Ibn Yaḥya, discussing a case of polygamy at the beginning of the sixteenth century, declared that "in these generations, when people do not marry two wives, and all people have one wife, it is a great disgrace to a woman that her husband will marry another woman besides her, and there is no greater shame than this."[188]

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sociale en Egypt au XVIIIe siècle," in D. Panzac, ed., *Histoire économique et sociale de l'empire ottoman et de la Turquie (1326-1960)* (Paris: Peeters, 1995), 302–303; A. Abdal-Rahman Abdal-Rehim, "The Family and Gender Laws in Egypt During the Ottoman Period," 103.

185 Lamdan, *A Separate People*, 116–28. (In the English edition, pp. 146–56). Her conclusion is similar to the one reached by M. Afifi on the basis of his search of the Muslim legal sources of eighteenth-century Cairo ("Mariage et vie sociale," 303).

186 See above, p 146.

187 See, just as an example, Medina, *Responsa, Yoreh De'ah*, 104:40a, 109:1b; *Even ha-'Ezer*, 71:42a, 119:57a–58b, 198:26b–27a.

188 Ibn Yahya, *Responsa, Tumat Yesharim*, 84:45a.

How prevalent was the enforcement of this clause when a husband insisted on taking another wife? His first option was to persuade his first wife to agree. This would cost money, of course, but sometimes a generous addition to the marriage contract money would appease an indignant wife and persuade her to share her husband with another woman.[189] No legal obstacle stood in the way of a husband who managed to persuade his first wife to agree to his taking a second spouse, in spite of his having promised not to do so.

Persuasion has many faces, not all of which are kind. A married Ashkenazi man in Istanbul intimidated a young girl into becoming his second wife by threatening to have the Ottoman authorities arrest her and convert her to Islam. There is no indication of how his first wife reacted to the second union, but he most probably threatened her as well in order to obtain her consent—because, when he became fed up with his new wife, he used the objection of his first spouse as a reason for getting rid of the second one. All this was accomplished with violence and intimidation.[190]

A classic situation was when a husband wanted to take a second wife because his first had not borne him any offspring. Another was when his brother died without leaving issue. Both situations were connected with commandments from the Torah. A second marriage would enable a childless man to fulfill the commandment to procreate, or a man whose brother died childless to fulfill the commandment to commemorate his dead brother's name.

At the end of the fifteenth century, Rabbi Eliyahu Mizraḥi was asked to decide which prevailed: the ruling which allowed a husband whose wife had not borne offspring to take a second wife, or the ruling by Rabbenu Gershom (and many communal amendments) which prohibited polygamy. The person who raised the question understood its connection to the problem of levirate marriage when the brother-in-law was already married, and added issue to the query. The question was asked sometime before 1490 by Rabbi Gershon Bonifacio, who came from a well-known Romaniot family in the town of Candia on the island of Crete, and was at that time the rabbi of the Jewish community of Corfu.

The Jews of Corfu were mainly of Romaniot and Ashkenazi origin. Bonifacio's wife had not borne a child for ten years, so he took a second wife—provoking the displeasure and anger of the Ashkenazi members

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189 HaLevi, *Responsa, Zeqan Aharon*, 82:25b.

190 Mizraḥi, *Responsa*, 46:119–121. See also below, pp. 167–68.

of his community. They protested that the marriage was a violation of both Rabbenu Gershom's amendment and their own communal agreement not to take a second wife during the lifetime of the first. While Bonifacio turned to Eliyahu Mizraḥi for his legal advice, the other side sought the opinion of Rabbi Yehudah Minẓ. This renowned rabbi, who resided in Padua, was the most important rabbinical authority among the Ashkenazi Jews in Italy.[191] Seeking out Minz was very natural not only because of his scholarly leverage, but because a relative of his, Rabbi Elyaqim Segal Ashkenazi, resided in Corfu; it is very likely that Ashkenazi was the one who led the campaign against Bonifacio.[192]

Mizraḥi declared that Rabbenu Gershom's ruling and communal amendments were not valid if their implementation caused a commandment of the Torah to be broken—and procreation and levirate marriage were such commandments. Thus, Bonifacio had acted correctly when he took a second wife. However, Mizraḥi added, if the first wife's marriage contract forbade such action, she was entitled to a divorce and to all the pecuniary rights in her favor, because nothing in Jewish law states that a woman can give up her sexual rights. At the same time, Mizraḥi affirmed that the community could not force a husband to divorce his wife in such cases. While a married man could take a second wife if his first did not bear children, he might not want to give up certain services rendered by his first wife, nor pay her marriage contract and the additional sum promised if the marriage was terminated.

The same was true for a married man who wanted to implement a levirate marriage: he could do so even if his only objective was to secure a greater part of his dead brother's legacy, and even against the will of his first wife.[193]

Situations like these most probably caused an upheaval in a man's household and a scandal in his congregation, but there was no practical way to force him either to refrain from carrying out his plan or to divorce his first wife.[194] This was especially true if the husband could afford a separate residence for his first wife if the court so demanded.

It is noteworthy that Mizraḥi did not declare that Rabbenu Gershom's amendment was invalid among the Romaniot Jews; its validity seems to have been taken for granted. Mizraḥi, like many other Ro-

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191 Probably born in Mainz ~1408, died in Padua in 1505. On Rabbi Yehudah Minẓ, see *EJ*, s.v. "Minẓ, Judah ben Eli'ezer Ha-Levi."

192 Minẓ, *Responsa*, 16:35a; Benayahu, *Prolegomenon*, 21–22

193 See above, p. 141, ref. 163.

194 Mizrahi, *Responsa*, 14:30–32.

maniot sages, was very close to the Ashkenazi *halakhic* world, through both learning and personal connections.[195] A quick review of the legal literature reveals general acceptance of Rabbenu Gershom's ruling; the only doubt had been whether the amendment could abrogate the validity of a commandment of the Torah. According to Mizraḥi, Rabbenu Gershom himself did not envision that his amendment would be considered valid in such cases.[196]

After Mizraḥi expressed his learned opinion in the matter, the responsum of Rabbi Yehudah Minẓ to the same question arrived in Corfu. Minẓ held the opposite view—declaring that Rabbenu Gershom's amendment took precedence over the commandment on procreation. Minẓ excommunicated Bonifacio until he divorced one of his wives, and reproached him severely for disseminating what Minẓ thought to be a lie—namely, that Mizraḥi had allowed Bonifacio to take a second wife.[197]

In 1526, approximately thirty-six years after the Bonifacio affair, several Ashkenazi rabbis accused Mizraḥi of having again given permission to an Ashkenazi Jew to take a second wife. Mizraḥi responded that when he had given Bonifacio authorization to take a second wife, he had determined that it was a matter of implementing a biblical commandment; now, however, after Rabbi Yehudah Minẓ had reproached him for doing so, he would never dare to defy Minẓ's authority on this issue. This exchange is recounted in a responsum written by Rabbi Yeḥiel ben Mosheh Ashkenazi Zaq"sh (Zer'a qedoshim = of saintly seed) Castelazzo in Jerusalem in 1565. Yeḥiel Ashkenazi criticized the numerous transgressions against Rabbenu Gershom's amendment in the Ottoman lands,[198] and quoted Mizraḥi's latest response to support his legal decision that Rabbenu Gershom's amendment must not be nullified in cases when it contradicts a commandment from the Torah.[199]

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195 Ibid., 41:108; Rozanes, *History*, vol. 1, 206; Benayahu, *Prolegomenon*, 18–22; Westreich, "Be Fruitful," 205.

196 Mizraḥi relied on a precedent from the twelfth century made in Ashkenaz (ibid.). See the ruling in A. Aptowitzer, *Introduction to the Book of RaBiaH* (in Hebrew) (Jerusalem: 1933 [repr., 1984]), 203; E. Westreich, "Polygamy and the Enforcement of Divorce on the Wife in Eleventh- and Twelfth-Century Ashkenaz" (in Hebrew), *Meḥqerei Mishpat* 6 (1988): 154–55.

197 Rabbi Yehudah Minẓ, *Responsa* (Venice, 1546), 10.

198 On Ashkenazi's responsum, see Havlin, "The Regulations," 226–50.

199 S. Assaf, *Texts and Studies in Jewish History* (in Hebrew) (Jerusalem: Mosad ha-Rav Kook, 1946), 227. Compare with Lamdan, *A Separate People*, 117–18, and ref. 13. (In the English edition, pp. 144–46.) See also Westreich, "Polygamy," 206–208. The version used by Westreich is the one published by Assaf. The crucial lines are "…. and

Similar circumstances prompted a query to Rabbi Tam Ibn Yaḥya in the second quarter of the sixteenth century. Ibn Yaḥya's opinion was that no court of law could allow a husband to take a second wife against the will of the first, even if the first had not produced any children for ten years. On the other hand, he stated that the husband was entitled to divorce his first wife, and if she asked for a divorce he must give her one and pay her the marriage contract money in full.[200]

A problem of a different nature was posed to the Istanbuli sage, Rabbi Yosef ben Yehudah Shalom: if the father of a bride could not provide the promised dowry, could the woman be forced to accept a bill of divorcement, or, as an alternative, would the groom be permitted to marry a second wife in addition to her? Shalom's ruling prohibited the husband from taking a second wife, but allowed a forced divorce without specifying the means.[201]

On several occasions Rabbi Yosef Ibn Lev, whose scholarly career encompassed both Salonika and Istanbul, weighed the commitment to monogamy against the biblical commandment to procreate; some of the cases that involved levirate marriage will be discussed below.[202] In all of the cases he adjudicated, he tended to allow the husband to take a

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the great rabbi, our teacher the Rabbi Eliyah Mizrahi, and also other rabbis of blessed memory from the Holy Community of Istanbul, had written through him [i.e., through Mizraḥi] to the Holy Congregation of Ashkenazim of the Holy Community of Istanbul as follows:..." Westreich read the Hebrew words as *katvu 'al yadi* (they had written through me), while I suggest another reading: *katvu 'al yado* (they had written through him). The difference between *yadi* (my hand) and *yado* (his hand) in Hebrew are two millimeters of ink. In 1529, three years after Mizrahi's death, Yehiel Ashkenazi was still in Austria, so it seems very unlikely that Mizrahi and the other Romaniot sages used Ashkenazi's mediation to communicate with the heads of the Ashkenazi congregation in Istanbul. After leaving Austria, Yehiel Ashkenazi lived in Patras for a while at the beginning of the 1540s, and then in Salonika. In the Hebrew month of Adar 5324 (the winter of 1564) he was in Istanbul, where he signed a bill given by a woman to an emissary authorizing him to get her divorce somewhere outside of Istanbul (*Tiqun Sofrim* [Izmir, 1673], 81:29b). He emigrated shortly afterward to Palestine and settled in Jerusalem, where he headed an important house of study. He died in Jerusalem between 1565 and 1570. Westreich's description of the role Yehiel Ashkenazi played in this affair at the end of Mizrahi's life, and in the life of Istanbul community in general, is highly unlikely. On Yeḥiel Ashkenazi, his life and his family, see A. David, "On the Ashkenazic Community in Jerusalem in the 16th Century" (in Hebrew) in H.Z. Hirschberg and Y. Kaniel, eds., *Vatiqin Studies in the History of the Yishuv* (Ramat Gan: Bar Ilan University, 1975), 25–34; idem, "The Castelazzo Family" (in Hebrew), *Sinai* 64 (1969): 282–87; L. Bornstein-Makovetsky, *Index to the Responsa of Rabbi Shmuel de Medina* (in Hebrew) (Ramat Gan: Bar Ilan University, 1979), 45–46.

200 Ibn Yaḥya, *Responsa, Tumat Yesharim*, 84:44b–45a.

201 Ibid., 101:48a.

202 See below, pp. 154–162.

second wife—leaving open the matter of enforcing a divorce from the first wife, and making it conditional on her request.[203] His opinion was the same when the first wife's sterility was the motive for the husband's wish to take a second wife.[204]

E. Westreich, who delved into the problems that were involved in implementating Rabbenu Gershom's amendment when it conflicted with the commandment to procreate, discerns in sixteenth-century legal decisions a clear development in Istanbul and in the Balkans. He perceives a process of change that started when the Romaniot community, influenced by the monogamous Christian society and a scholarly affinity with the Ashkenazi *halakhic* world, accepted Rabbenu Gershom's amendment in its most rigid interpretation: polygamous marriage was banned under any circumstances. In Westreich's opinion, Mizraḥi's second verdict was a sign that the Romaniots were adopting Ashkenazi customs. He sees Ibn Yaḥya's ruling as an indication of the continued power and influence of the Romaniot Jews—and Ibn Lev's ruling as the first sign of the increased influence of the Iberians, who attributed greater importance to the commandment of procreation than to any limitation on polygamous marriage.

Whereas Westreich sees the tendency to serve the needs of the husband in such matters becoming an integral part of the Jewish-Ottoman legal mind only from the end of the sixteenth century, Lamdan, who concentrated on the Arabic-speaking lands, shows that this tendency already existed in those territories at the beginning of that century.[205] If one accepts Westreich's interpretation, the obvious conclusion is that the Ashkenazi environment was the most benevolent toward women, followed in order by the Greek-Christians, the Spanish-Christians and the Muslims.

Having said this, we need to recall the distinction at the beginning of this section between legal opinions and actual behavior. The scholarly views expressed in the responsa did not necessarily reflect the patterns of social behavior. On the other hand, these views did play a role in shaping the patterns, at least in the long run. In order to view the distinction, we can reconsider the famous Bonifacio case and Rabbi Yeḥiel Ashkenazi's comment on it. When Bonifacio took a second wife, he did

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203 Ibn Lev, *Responsa*, vol. 1, 16:49–51.

204 Ibn Lev, *Responsa*, vol. 3 (Benei Beraq, 1988), 54: 151–54. Ibn Lev was not aware of Mizraḥi's second responsum on that matter, or of Minẓ's responsum on the Bonifacio case.

205 Lamdan, *A Separate People*, 116–28. (In the English edition, pp. 139–56.)

something that was normal among Romaniot Jews, as did Mizraḥi by supporting this act; the *realia* was that Romaniots commonly took a second wife if the first one was childless. It was similarly normal to take a second wife in cases where levirate marriage was called for. The *realia* was that when a husband-to-be did not make a legal promise to refrain from polygamy, it was not banned (at least among non-Ashkenazi families)—and even when he did make a promise, either appeasement or violence could pave the way to polygamy.

Based on Yeḥiel Ashkenazi's citation, Westreich concludes that after the Bonifacio case and at least until Mizraḥi's death, the rule in Istanbul was that Rabbenu Gershom's amendment prevailed over the commandment to procreate, and therefore polygamy was never permitted. This conclusion reveals that the Romaniots did not follow the Ashkenazi practice in regard to barrenness until the Bonifacio case, and thus the change in Mizraḥi's attitude cannot be attributed to the influence of the local Greek society. Moreover, the fact that Mizraḥi made no comment about the effort to expand the boundaries of Rabbenu Gershom's amendment to include the Romaniot Jews should not be taken at face value. In Istanbul, it was not Rabbenu Gershom's amendment that limited polygamy, but the individual practice of adding the restriction to the marriage contract. Since the clause was added in most marriages, there was no point in arguing about whether Rabbenu Gershom's amendment was valid.

The fact that thirty-six years passed after the Bonifacio case until Mizraḥi was again asked about a similar case does not mean that Romaniots whose wives were barren did not take a another wife during these years. It simply means that when the issue arose, the first wife was persuaded and humored into accepting the situation. While Mizraḥi's submissiveness to Minẓ may be interpreted as his acceptance of the Ashkenazi custom, it does not necessarily mean that he intervened in cases in which legal assistance was not sought by the first wife, or that the Romaniots had changed their attitude towards polygamy in general.

In summation, while most Jewish families in sixteenth-century Istanbul were monogamous, be they Romaniot, Ashkenazi or Iberian, the limitation on polygamy was not a communal matter but a private one—and a Romaniot or Iberian man who did not commit himself to monogamy was not bound to practice it. Among the Romaniots and the Iberian Jews, childlessness of the first wife or the need for levirate marriage abrogated the sworn promise in the first wife's marriage contract; her

only option was to demand a divorce and leave her husband's house with the money of her marriage contract and the additional sum promised to her in case the marriage was terminated. Ashkenazi men were supposedly bound by the amendment of Rabbenu Gershom Me'or ha-Golah—but in reality, men found ways and means to maintain a household comprised of more than one wife.

This discussion does not take into consideration the female slaves who shared the beds of their masters in Jewish households. In many ways, they fall into the category of a second wife even though they were not legally married to their masters. This facet of the Jewish household deserves special discussion and is dealt with in a separate section.

The subject of polygamy still leaves us with one issue that needs further investigation. Would it be accurate to divide the Jewish Diaspora into two worlds, each inhabited by a different kind of Jew: The Jews of Islam and The Jews of Christianity? The answer is no. Polygamy seems to have been more a matter of geography and climate than of religious influence. Polygamy was more easily accepted in the lands of the Mediterranean basin, whether Christian or Muslim. It was in Western, Central, and Eastern Europe that polygamy was totally rejected and regarded as a reason for excommunication.

Levirate Marriage

For an Iberian woman who was widowed in the Ottoman lands, the issue of levirate marriage was an acute problem if she had a Christian brother-in-law in the Iberian peninsula. Deep feelings towards the misfortunes of the coerced converts, along with views on the boundaries of the Jewish people,[206] were bound up in the discourse on this extraordinary and sensitive issue. On the other hand, such emotional and national considerations were absent from the discussion about a more normative situation: widows who had not borne live offspring and who had brothers-in-law who could, in principle, marry them. The latter discourse on levirate marriage was part of the development of Jewish family law as interpreted under normal circumstances by the rabbinical authorities, and therefore can expand our understanding of Jewish society in Istanbul—especially the way its spiritual leaders shaped the society's perceptions of family, marriage and the status of women, and how these perceptions in turn influenced the leaders.

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206 See above, pp. 93–96.

The Bible gives preference to levirate marriage (*yibum*) over levirate divorce (*ḥaliẓah*).[207] The levirate divorce ceremony entails a great deal of embarrassment for both the widow and her brother-in-law: she has to spit in his face and throw one of his sandals at him to express her loathing.[208] In biblical society, perpetuating the name of a man who died without leaving offspring was a very important value in the patrilineal Mediterranean culture discussed at the beginning of this chapter.

Later, this obligation came into conflict with the principle of marriage by consent: should the commandment to marry your dead brother's widow take precedence over the commandment to divorce her if she refuses to marry? The question was addressed by the rabbinical sages as early as Mishnaic times.[209] The dispute continued in later periods, and its echoes can still be heard today. Unlike several other biblical commandments which disappeared along with their social rationales—such as the blood redemption (*ge'ulat dam*), and the commandment regarding the *yovel* (the jubilee year, when the land was to be left unsowed, the slaves freed, and all debts annulled)—the commandment of levirate marriage has persisted to this day. Jacob Katz has suggested that it has endured because, unlike other commandments, it has an option (levirate divorce) that avoids its implementation. Because of this option, the natural social pressures to discard the commandment were not as strong as in the case of blood redemption; they took the form of disputes among Jewish jurists, who debated whether strict implementation of the commandment was more important than maintaining freedom of choice in marriage.[210]

Katz, who did not include the discussion of Istanbuli rabbis in his research, delved into the literature of Ashkenazi, Romaniot, Italian and Sephardi sages up to the beginning of the seventeenth century. He emphasized that Ashkenazi sages preferred divorce over levirate marriage,

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207 Deut. 25:5–10.

208 The Hebrew root H.L.Ẕ., i.e., took off his sandal, gave the act of levirate its name. On the procedure of *ḥaliẓah* divorcement with comments referring to Istanbul practice compiled by Rabbi Shemu'el Yafeh Ashkenazi at the end of the sixteenth century, see *Tiqun Sofrim* (Izmir, 1673), 14a–15a.

209 Mishnah, *Bekhorot* 1, 7.

210 On levirate marriage in the biblical period, see L.M. Epstein, *Marriage Laws in the Bible and the Talmud* (Cambridge, MA, 1942). On levirate marriage and divorce in general, see also *EJ*, s.v. "Yibum"; Schereschewsky, *Family Law*, 212–20. On the dispute regarding levirate marriage in the post-talmudic period, see J. Katz, "Levirate Marriage and Levirate Divorce in the Post-Talmudic Period" (in Hebrew), *Tarbiẓ* 51 (1982): 59–106. For his contention regarding the reasons of the persistence of this commandment, see ibid., 60.

while their Iberian counterparts maintained that marriage was the preferred option because it was a biblical commandment. His contention was that since the status of an Ashkenazi woman was better than that of her Sephardi sister, divorce became the natural choice in the lands of Ashkenaz. Katz concluded that although the encounter between Iberian and Ashkenazi Jews in the post-expulsion generation produced many discussions on the subject, the net result in the sixteenth century was no change in their attitudes.[211] He also asserted that the Romaniots tended to follow the Ashkenazi custom in this matter, as in others.[212]

However, Ruth Lamdan, who studied the subject in the Arabic-speaking provinces in the Ottoman Empire of the sixteenth century, came to the conclusion that most rabbinical scholars preferred levirate marriage to levirate divorce. In many cases Ashkenazi sages joined the ruling of their non-Ashkenazi colleagues, thus accepting levirate marriage as an option. Only when the brother was a convert was there a tendency to allow these women the freedom to marry as they wished.[213] Thus, in an environment which supported levirate marriage, even Ashkenazi scholars who zealously maintained Ashkenazi ways of life and customs in other matters, were induced to follow the Sephardi and Musta'arib customs in this matter.

In Istanbul, when there was mutual consent between the widow and her brother-in-law and neither of them was absent, no problem existed that required a written rabbinical opinion. However, since levirate marriage involved a financial benefit—the widow's brother-in-law would inherit his dead brother's property if they married—this opened the door to extortion against a widow who did not agree to marry her brother-in-law. Thus, most of the cases we find in the legal literature are the outcome of complicated situations—such as when a brother-in-law was unwilling to give a woman a levirate divorce under any circumstances, or under the condition that the woman forfeited her right to the marriage contract and the dowry.

The Istanbuli legal literature of the time documented eighteen cases that discussed levirate marriage in normal situations, i.e., those that did not involve New Christians who returned to Judaism in the Ottoman lands, or brothers-in-law who were living as Christians in the lands of Christendom. While eighteen cases over a period of at least 140 years

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211 Ibid., 103.
212 Ibid., 94–95.
213 Lamdan, *A Separate People*, 169–77. (In the English edition, pp. 211–223.)

do not seem like a lot, it should be remembered that most of these cases involved curtailing a woman's freedom of choice in marriage, minimal as it was within that society, in the name of an ancient custom derived from a mythical nomadic tribe in the Sinai Desert.

Rabbi Eliyahu Mizraḥi, who was so lenient toward Sephardi widows who needed levirate divorce from brothers-in-law in the lands of Christendom, was not as lenient in other cases, no matter how unjust the situation. In one instance, a woman of forty-five had been widowed for the second time, and did not have children from her second husband. Her brother-in-law was anxious to marry her. She, on the other hand, was not happy about the prospect of remarriage. She claimed that since both her husbands had predeceased her, she should be considered a "murderous wife" who according to Jewish law should not get married again.[214] In addition, she claimed that since her fertile years were over, there was no point in this levirate marriage; it would not perpetuate her late husband's name. The only reason why the brother-in-law would want to marry her was a material one: to take over her part of his brother's inheritance. If she married her brother-in-law, who was her late husband's legal heir, he would not have to pay her marriage contract from the inheritance or return the assets she had brought to the marriage. In any event, the fact was that the woman did not want to marry that particular person.

Mizraḥi's opinion was that she could not avoid the marriage. He maintained that the "murderous wife" argument had been abrogated so many times in Istanbul that it was invalid, whereas her advanced age could not release her from her obligation to marry the brother. Furthermore, he stated that "she is equal to all other widows who need levirate marriage, if he [the brother] wants, he divorces, if he does not want he marries [her].[215]

In another case, the late husband's brother was not interested in marrying the widow. The widow suspected that her late husband's family would manipulate his estate in such a way that she would not be able to collect the money promised to her in her marriage contract. Therefore, she started selling assets in order to collect the money. Her brother-in-law asked Mizraḥi whether she could do so before he divorced her—and if she was entitled to do so, would their marriage enable him to stop her from selling the assets. This last question reflects the reality that

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214 *Tosefta Yevamot*, 7:1.

215 Mizrahi, *Responsa*, 22:60–61, and compare *Tosefta Yevamot*, 2:5.

most of the levirate marriages forced on such widows were not initiated in good faith by their brothers-in-law. While Mizraḥi did not hesitate to coerce women into accepting such marriages, he gave the brother-in-law in this particular case the opinion the man wanted to hear: he did not have to marry the woman in order to stop her from selling his brother's estate. She could collect her marriage contract money only after he divorced her, from the money left in the estate.[216]

Rabbi Eliyahu HaLevi discussed the validity of a conditional divorce made by a paralyzed groom in order to save his bride from levirate marriage in case of his death. HaLevi agreed with great reluctance to ratify the divorce, only because the condition had already been realized: the groom had passed away. However, he sought as many opinions as possible to support the liberation of the widowed bride, which he granted unwillingly.[217]

The same indecisiveness is displayed in HaLevi's treatment of a widow who gave birth to a baby boy seven months after her husband's death. The baby lived only three hours after his birth. The brother-in-law, as stated in the query from the court, was "an ignorant boy whom she could not abide." He was much younger than she was, and in no way a worthy husband for a young woman. The brother-in-law, on the other hand, insisted on exercising his right to marry her. HaLevi was not comfortable with the various legal opinions. He found himself unable to coerce the woman into entering this marriage that apparently could not be consummated. On the other hand, he did not like the idea of having her wait until the boy reached maturity; this meant leaving a conspicuous obstacle in the path of male society—a young, unattached female who could not get married.

Therefore, he wrote that if the court was adamant in its opinion that the husband would not be able to perform his conjugal duties, it would have to coerce him into divorcing her.

If they concluded that she rejected him on the basis of the claim "I loath him," she would be considered a "rebellious wife" and he would still be coerced into divorcing her—but she would not receive the money of her marriage contract. In this way, HaLevi created an incentive for the young woman to wait patiently until the brother-in-law was able to consummate the marriage. Since HaLevi refrained from establishing a clear-cut precedent, he gave the court the option to decide

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216 Mizrahi, *Responsa, Mayim 'Amuqim,* 7:7b–8a.
217 HaLevi, *Responsa, Zeqan Aharon,* 144:79a–b.

what to do with the woman—an option it had even before turning to him for his learned opinion.[218]

Inconclusive as he was, HaLevi was the most lenient of Istanbul's sages. The tendency to rule in favor of the male party is clearly discerned in Rabbi Yosef Ibn Lev's decisions. In a case in which the brother-in-law lived in Ankara and the young widow in Istanbul, the new groom returned to Ankara after the betrothal had taken place. The new bride refused to follow him, claiming that she had never left Istanbul and that there had been an understanding that they would settle there; furthermore, she could not leave the city because her old and ailing father depended on her care. Ibn Lev ruled that she should go to Ankara, either to consummate the marriage or to get divorced, because the law gave the brother-in-law the privilege of having the levirate marriage or divorce conducted in the place of his permanent residence or in the location of the closest qualified court of law.[219]

If the surviving brother was already married, his current wife was not likely to welcome his levirate marriage. In a case brought before Ibn Lev in Istanbul, a brother-in-law had sworn in his marriage contract that he would never take a second wife—not as a wife, or as a mistress, or a slave girl, or any other possible form. As in many Istanbuli families, all of their children died in infancy. When his elder brother died without leaving offspring, the surviving brother wanted to exercise his right to levirate marriage with his brother's widow in order to increase his chances to continue the line—but he did not wish to divorce his first wife, since it would mean paying her marriage contract. Ibn Lev noted that Rabbenu Gershom's ban against polygamy was not recognized by the Sephardi Jews, and declared that even a sworn promise in the marriage contract not to take a second wife could not obligate a man when he might die without leaving an heir. Moreover, the brother-in-law had not been looking for a bride; she had been sent to him from heaven.[220]

In another case which most probably occurred in Safed, although it was discussed by Ibn Lev when he resided in Istanbul,[221] the brother-in-law insisted on marriage, but the widow wished to be liberated by levi-

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218 HaLevi, *Responsa, Zeqan Aharon,* 204:109a–205:109a–b.

219 Ibn Lev, *Responsa*, vol. 1, 13:44–46.

220 Ibid., 16:49–51.

221 Ibid., vol. 2, 11:35–39. In the responsum, Ibn Lev refers to his illness and feebleness (p. 39). The following query was presented to him in Istanbul (12:39) in 1560, and the previous identifiable query is no. 7:23, from 1591, all of them from his Istanbul period.

rate divorce. Her family tried to help her, either out of genuine empathy or in order to retrieve the money invested in her marriage and the payment of her marriage contract. They hired non-Jewish thugs who forced the brother-in-law to come to a house where the widow waited for him with three men, supposedly a court of law. As he entered the room, the widow spat in his face. This act made consummation of the marriage impossible according to Jewish law, and her family asked the court to force the man to divorce her. Ibn Lev did not look for a way to dissolve the bond between the two; on the contrary, he focused on whether, in spite of the fact that the woman had spat in her brother-in-law's face, he could still marry her. His decision was that under no circumstances could a court force the brother-in-law to divorce the widow, since he wanted to marry her and it was his legal obligation. Moreover, Ibn Lev wrote, if other sages would join him in his decision, he would allow consummation of the marriage in spite of the spitting.[222]

Like Mizraḥi before him, Ibn Lev was called upon to decide in the matter of a widow who asked for a levirate divorce on the ground that her advanced age negated the rationale of levirate marriage. In addition, her brother-in-law had taken an oath (contained in her marriage contract) that if his brother should die childless, the brother-in-law would free the widow by levirate divorce. Furthermore, the brother-in-law was married to a young woman and had children with her. In other words, as in many other cases of this kind, his only possible motive for marrying the widow was his desire to take over her marriage contract and dowry. Ibn Lev was asked two questions in regard to this case: First, would the court coerce the brother-in-law into divorcing the widow? Second, if divorce was not coerced and the widow decided to live by herself, would her legacy go to the brother-in-law or to her father's family?

Ibn Lev recommended that the brother-in-law be persuaded to divorce the woman, but declared adamantly that the court could not under any circumstances coerce him into doing so, even though he had sworn to divorce her. Also, while it was clear that the brother-in-law would inherit both the marriage contract and the dowry upon the woman's death, Ibn Lev recommended that the estate be left in her hands to provide for her livelihood as long as she lived. This made rejection of the divorce less attractive to the brother-in-law, because of the probability

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222 The case was most probably that of Rabbi Yosef Caro's daughter-in-law, which transpired in Safed in 1580 (see Lamdan, A *Separate People*, 170, and the relevant refs.; in the English edition, pp. 213–214.)

that the widow would spend a major portion of the inheritance during her lifetime.[223]

Sometimes the decision about whether the brother-in-law should divorce or marry the widow had nothing to do with the wishes of the parties involved. On occasion, it depended on the definition of the term "living offspring" (*zer'a shel qeyama*). A problem arose when a widow gave birth to a baby boy who died immediately. Several jurists declared that even if the baby was born dead, so long as the nine months of pregnancy had been completed the mother could not marry her brother-in-law and he had to divorce her. Others concluded that it did not matter whether the nine months of pregnancy had been completed; even the premature birth of a child and its subsequent death would lead to the inability to consummate levirate marriage. However, not all of the jurists were of this opinion, as can be seen in the case Eliyah HaLevi discussed.[224] In a responsum written with great impatience, it appears that Ibn Lev himself was not sure what decision to hand down. When other Istanbul sages accepted the rationale that since the baby had been born alive the widow should be allowed to get a divorce from her brother-in-law, Ibn Lev added his approval to theirs.[225] Apparently the difference between this case and the one discussed by HaLevi is not the time that elapsed or the ethnic background of the jurist, but the goodwill of the brother-in-law. In the first case the man insisted on consummating the marriage although in practice he was not able to do so. In this case an agreement seems to have been reached between the two parties which led the court to rule in favor of divorce.

Levirate marriage itself is an issue of marginal importance; what is noteworthy about the material in this section is that when there was a clash of wills between a man and a woman, all of the legal authorities ruled in favor of the male. They looked for constructive solutions only when the man was interested in divorce. Furthermore, they did not hesitate to rule in favor of the man even when it was obvious that his motive was far from a desire to commemorate his dead brother's name. At best, the rabbis who were called upon to decide in such matters sometimes made an effort to pressure the man into doing "the right thing." None of them ever recommended coercion of divorce when the widow refused consummation of the marriage. Thus, this ancient practice con-

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223 Ibid., 18:56–59.

224 See above, pp. 159.

225 Ibn Lev, *Responsa,* vol. 3 (Benei Beraq, 1988), 44:127–29.

tinued to be implemented in sixteenth-century Istanbul as if time had stood still, by Sephardim as well as Romaniots, in the name of the traditional norm that money that found its way to the paternal line should not find its way out.

Divorce

Jewish law does not favor divorce; on the contrary, it places a great many legal and practical obstacles in the way of dissolving a marriage. The reason is not the sanctity of the institution of marriage itself, but its importance in the structure of society.

On the other hand, the law does not force a marriage to continue against the will of one of the parties. The likelihood of a marriage being terminated by divorce varies according to time, place and the legal authority to whom the couple turn to solve their problem.[226]

Jewish law is based on the premise that divorce is an act performed by the husband: he gives his wife a bill of divorcement which must be written by a person authorized to act as an expert in divorce law—a judge and a teacher of law—and handed to her in the presence of a qualified court of law. This attitude that the male holds a superior status over the female in matters of divorce is expressed in the biblical verse: "When a man taketh a wife, and marrieth her, then it cometh to pass if she find no favour in his eyes because he hath found some unseemly thing in her, that he writeth her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house. ...[227] The premise is further developed in the legal literature: "The divorcing man is not similar to the woman being divorced, since she is leaving whether she wants to or not, while the man sends her away according to his will exclusively."[228]

In spite of the fact that divorce was a male privilege, later legal authorities prohibited the husband from divorcing his wife against her will.[229] Even in talmudic times, sages were not enthusiastic about compelling a woman to remain in a marriage under any circumstances, and

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226 For a general survey, see *EJ*, s.v. "Divorce"; Schereschewsky, *Family Law*, 250–316.

227 Deut. 24:1.

228 *Gitin*, 90b.

229 The prohibition was first declared by Rabbenu Gershom Me'or Ha-Golah in the tenth century, and was accepted in non-Ashkenazi communities, Istanbul among them. The result was that any bill of divorcement, including one between parties who were divorcing by mutual consent, had to be arranged by a qualified court, although it could terminate the marriage without the active participation of the couple. See *Shulḥan 'Arukh*, 119, 6, and compare with Schereschewsky, *Family Law*, 253.

listed the reasons which could enable the female party to demand a divorce. Under rare circumstances, the husband could be coerced into granting a divorce; in others, it was only recommended that he give one to his wife.[230] A woman whose husband refused to divorce her could not marry another man, and children she might have from another man would be bastards (*mamzerim*) who could not marry anyone of Jewish origin. On the other hand, a man who was unable to make his wife accept a bill of divorcement could, under certain circumstances, marry another woman, even in Jewish communities that rejected polygamy.[231]

Of seventy divorce cases in the Jewish community of Istanbul from around 1497 to 1590, thirty (43 percent) dealt with the divorce of betrothed couples. In only four of these cases were the divorces clearly initiated because of a disagreement between the betrothed parties themselves. In one case, the bride fell ill and became blind in one eye. The groom claimed that he had betrothed a healthy girl; now he could not abide her, and did not want to complete the marriage, but she insisted that the marriage be consummated.[232] The second case was the famous Badurqi-Ibn Ẓur scandal; after the betrothed couple lived together for nine months, the groom refused to complete the marriage procedure.[233] In another case, the betrothed girl fell in love with a married man and rejected her fiancée, who agreed to divorce her.[234] Few details are known about the fourth case, beyond the fact that it was the outcome of disagreements between the couple.[235]

The remainder of the cases dealing with divorce of the betrothed are divided as follows:

In four cases, women were tricked into taking something from men who then recited the formula of the *qidushin* in front of two witnesses; the issue was whether the women were lawfully betrothed and thus in need of a divorce. In one of these cases, a servant boy gave roses to the daughter of his master, saying that they were for her betrothal, while two of his friends were hiding nearby. Rabbi Eliyahu Mizraḥi decided that because the witnesses were hiding, the woman did not need a di-

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230 *Ketubot*, 63b–64a, 77a; *Qidushin*, 50a; *Yevamot* 65a–b; Maimonides, *Dinei Ishut*, 25, 11; *Gerushin*, 2, 20; *Shulhan 'Arukh, Even ha-'Ezer*, 154, 7. See bibliography in Lamdan, *A Separate People*, 152, ref. 5. (In the English edition, p. 172, ref. 5.)

231 Compare with Lamdan, *A Separate People*, 116–28, and the rich bibliography there. (In the English edition, pp 139–56, ref. 17.)

232 Ibn Hayim, *Responsa, Mayim 'Amuqim*, 32:39a.

233 See above, pp. 78–79.

234 Ibn Yahya, *Responsa, Tumat Yesharim*, 33:22a.

235 Ibid., 83:43b.

vorce. Interestingly, the communal regulation which invalidated a betrothal declared in the presence of fewer than ten witnesses was used by Mizraḥi for the purpose of demanding punishment for the three boys, but not to invalidate the betrothal.[236]

Similar situations (or perhaps the same one) were discussed by Rabbi Tam Ibn Yaḥya[237] and Rabbi Eliyahu HaLevi;[238] neither of them used the ten-witness regulation to free the girl from the bond. HaLevi was called upon to express his opinion in a similar incident, involving Alonah, daughter of Yosef HaLevi from Jerusalem, in the town of Chania on the island of Crete.

This time he did refer to the Candia regulation, probably because he was asked specifically about its repercussions in the case. He emphasized that the regulation did not invalidate such marriages, but called for punishment of the perpetrators.[239] The reluctance to use the regulation conforms with a discernable pattern among Jewish Ottoman jurists. They were not enthusiastic about deciding upon or instituting any innovation in matters of personal status, even when communal legislation paved the way for them to do so.[240]

Eight cases were queries regarding the validity of the *sivlonot* as a means by which the bride was bought, when one prospective spouse was from Istanbul where the *sivlonot* were binding, and the other from some other town where they were regarded only as betrothal presents.[241] Seven cases discussed the legal competence of a minor bride and the conditions under which she would be able to reject a groom, accept a divorce or annul a marriage.[242] One case concerned the validity of the witnesses for the *qidushin*;[243] another discussed the validity of the witnesses for the divorce.[244] Technicalities pertaining to the bill of

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236 Mizraḥi, *Responsa*, 26:76.

237 *Responsa, Tumat Yesharim*, 187:97a–b.

238 *Responsa, Zeqan Aharon*, 18:28a, 212:112a.

239 *Responsa, Zeqan Aharon*, 2:3a–4:14a, and especially p. 5a.

240 Compare with Lamdan, *A Separate People*, 178–81, and especially p. 196, refs. 12–13 (in the English edition, pp. 224–32, 228, refs. 14 and 15.) Elon, *Hebrew Law*, vol. 1, 676–712.

241 Mizraḥi, *Responsa*, 17:43, 18:49, 19:52; Ẕonẓin, *Responsa*, *Naḥalah Li-Yhoshu'a*, 32:37b; HaLevi, *Responsa, Zeqan Aharon*, 189:103a; Ibn Lev, *Responsa*, vol. 2, 43:123; vol. 4 (Benei Beraq, 1988), 29:71; Rabbi Mosheh mi-Trani, *Responsa*, vol. 2, 338:63b–64a.

242 HaLevi, *Responsa, Zeqan Aharon*, 10:18a, 12:19a, 169:93a; Ibn Yahya, *Responsa, Tumat Yesharim*, 100:47b, 130:61b, 211:104b; Ibn Lev, *Responsa*, vol. 1, 17:51.

243 Ibid., 83:43b.

244 Mizrahi, *Responsa*, 84:203.

divorcement were the subject in another.[245] The thirtieth case described a groom who swore at the betrothal that he would never marry another woman as long as his betrothed was alive—but later regretted this promise.[246]

The high number of divorces among betrothed couples does not indicate that the dismantling of a marriage at that stage of the procedure was a common and simple practice, but rather that Istanbuli society attributed great importance to this early stage. It is noteworthy that in a large proportion of the divorce cases among betrothed couples, the bride was a passive party; the bond was terminated because of friction between the bride's father and the groom, or because the prospective husband became impatient waiting for his bride to mature. Most of these divorces, including those in which a minor female rejected her groom, had nothing to do with what had or had not happened between the couple. In all, only 16.6 percent of the divorces stemmed from real disagreement or aversion between the betrothed man and woman.

Some of the divorce cases involving couples who were actually married provide us with enough details to allow us to make several more observations. In one case, the bride, whose marriage had been completed under the canopy according to all the ceremonial and legal requirements, was only eight years old. The groom was an adult, so the reason he decided to divorce her was probably that consummation of the marriage was difficult or impossible.[247]

When a husband caught his wife making love with one of his servants, he divorced her—but later regretted his action and wanted her back. Rabbi Eliyahu Mizraḥi did not approve of the divorcée returning to her husband after having had sexual relations with another man, since that was against Jewish law; however, he ruled that if the husband had already taken her back, she should stay with him.[248] In another case, a husband found that his young wife was not a virgin and divorced her. The woman did not offer any explanation about the loss of her virginity. Mizraḥi ruled that if she claims that she was raped, or had an accident which caused her to loose her virginity, she should swear that her claim was true—so she would not lose the additional sum of money customarily promised in the marriage contract, which was paid in case the marriage was terminated (*tosefet*). Thus Mizraḥi showed her a loop-

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245 Ibn Yahya, *Responsa, Tumat Yesharım,* 92:47a.
246 Mizrahi, *Responsa,* 27:76; idem, *Responsa, Mayım 'Amuqım,* 8:8a.
247 Ibn Lev, *Responsa,* vol. 2, 4:9.
248 Mizrahi, *Responsa,* 25:74–76.

hole that would enable her to save at least part of the capital which her father had invested in the marriage.[249]

In order to prevent the misuse of male supremacy, the Jews of Istanbul enacted a communal agreement that no man could divorce his wife against her will and without the permission of an authorized court of law. Despite this regulation, the dominance of the male party in divorce is well represented in Mizraḥi's rulings in cases based on the *ma'is 'alai* ("I loath him") claim, in which the husband or wife states that other party arouses feelings of hatred and disgust, not love. This claim is regarded as a valid reason for the dissolution of a marriage, but it is not always accepted by the legal authorities.

In fact, the way the legal authorities respond to this claim in different times and in different places could be a litmus test of their gender bias or impartiality toward the litigating couples. In one case, a husband wanted to divorce his wife on the basis of this claim, but the wife refused to accept the divorce. Mizraḥi believed that the husband's demand was unwarranted, meaning that he thought the real reason was that the husband fancied another woman. Yet despite his own opinion and the regulation that a husband cannot divorce his wife against her will, Mizraḥi ruled that the wife would forfeit her right to alimony—since it was the man's exclusive right to divorce, and it was she who did not want to accept it.[250]

The law enabled the person interpreting it to force the woman to face the reality of having lost her husband's favor and to accept the divorce if she wanted alimony. On the other hand, when a woman demanded a divorce based on the very same claim—that she could no longer abide her husband, and was not a slave to be forced by someone she hates—Mizraḥi ruled that her husband could not be coerced into giving her a divorce. He decided that they should separate until they became reconciled. The reasoning behind this decision was the increase in the number of loose women who fancy men other than their husbands.[251] A woman whose husband had syphilis (*mal de Francia*) asked for a divorce on the ground that he had started developing abscesses and she could not stand his touch; Mizraḥi told her that this was not a good enough reason if the husband could still perform his conjugal duties and his wounds did not smell.[252]

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249 Ibid., 29:77.
250 Ibid., 30:77.
251 Ibid., 28:77.
252 Mizrahi, *Responsa, Mayim 'Amuqim,* 19:11b.

Although Istanbul custom dictated that the marriage contract must contain the husband's sworn promise (1) not to take another woman as a second wife and (2) not to divorce his wife without permission from a qualified court of law, not all marriage contracts contained the second clause.[253] The regulation on which this clause was based was meant to strengthen the woman's status in the marriage, but it was not invoked with impartiality.

Mizraḥi, who had ruled that a woman with a good reason for refusing to accept her divorce did not have the right to alimony,[254] went even further in a case we mentioned earlier, in which a married man fancied another woman. His first wife refused to divorce him or to let him marry a second wife, her legal reasoning being his sworn promise not to do so. The prospective bride refused to marry him anyway, but when he threatened to have the girl forcibly converted to Islam, she agreed to marry him. The leaders of his congregation (*memunim*) fined him for breaking his sworn promise to his first wife. Later he tired of his second wife, too, and decided to divorce her in order to marry a third woman. The second wife appealed to the same leaders, arguing that not only did he use violence to force her to marry him in the first place, but now he wanted to force her to divorce him, using his promise to the first wife as a pretext. The leaders decided that he could never divorce her unless she agreed to it.

However, Mizraḥi ruled that both decisions of the leaders were erroneous. While the leaders meant to protect women, he said, they had actually acted against women's interests. They should have coerced the man to divorce his second wife instead of fining him for marrying her, because the fine opened the way for any man to marry a second wife against his sworn promise. A coerced divorce would have prevented such future transgressions. Moreover, their declaration that he could not divorce his second wife was contrary to the ban decreed by Rabbenu Gershom Me'or Ha-Golah, which prohibited polygamy among Ashkenazi Jews.

The reference to Rabbenu Gershom's ban points to the Ashkenazi roots of the congregation in which this affair took place. The interesting point is that Mizraḥi did not take into account the threats made against

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253 See also Ibn Lev, *Responsa*, vol. 2, 22:70: "And I saw also in Qostandinah some *ketubot* in which the permission [to take a second wife] is not stated as a condition, but [they] simply state that he will not be able to take another wife besides her, as long as she lives."

254 See above, pp. 149, 166.

the second wife before her marriage, or the injustice of allowing her husband to divorce her.[255] On the other hand, in the second half of the sixteenth century Rabbi Eliyahu Ibn Ḥayim ruled that a husband whose wife would not agree to accept a divorce, although her chastity had become the subject of gossip, was permitted to marry another woman without divorcing the first one.[256]

Since procreation was one of the main goals of marriage, it is obvious that impotence would be a valid reason for a wife to demand a divorce. Rabbi Tam Ibn Yaḥya was called upon to make a decision in the matter of a woman who claimed that her husband suffered from a mental disorder. He had stopped performing his conjugal duties, hit her regularly, quarreled with her, and spent money with the declared aim of preventing her from collecting the money promised in her marriage contract in case she divorced him. The woman, who suspected (apparently with good cause) that all these reasons would not be enough to convince the court to coerce him into giving her a bill of divorcement, declared that she intended to emigrate to the Holy Land. If her husband did not agree to accompany her, she would be entitled to a divorce—or at least to the payment promised in her marriage contract.[257]

Ibn Yaḥya's opinion was that there was no reason to coerce the husband into granting a divorce or paying the marriage contract, since legal authorities of the post-talmudic period disagreed about this matter and hedged the cases in which the rule could be applied. He also rejected the wife's claim regarding the performance of conjugal duties, saying that the wife's relatives had advised her to cite this as grounds for divorce.[258]

Ibn Yaḥya made a different decision in the matter of a husband who lived with his wife for almost a year before discovering that she was epileptic and demanding his right to divorce her. He also claimed that her family had known about her illness, and thus he was not obliged to pay the sum of money stated in her marriage contract. Ibn Yaḥya agreed that the husband had the right to divorce her, but he could not be exempted from paying the marriage contract money, the additional sum, and the dowry she was given.[259]

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255 Mizraḥi, *Responsa*, 46:119–121.

256 Ibn Ḥayim, *Responsa, Mayim 'Amuqim*, 21:35b.

257 According to *Ketubot* 110b. Ibn Yaḥya refers erroneously to the end of chapter B of the tractate, while the citation he brings is from the thirteenth chapter.

258 Ibn Yaḥya, *Responsa, Tumat Yesharim*, 66:34b–35a.

259 Ibid., 139:67b–68b.

Rabbi Yosef Ibn Lev discussed the demand of a woman who had been married for twenty-nine months and then demanded a divorce on grounds of impotence. The husband denied her allegation, saying that he had children with his first wife. Ibn Lev decided, with great reservation, that the court could not force him to divorce her. He advised that the dowry should be returned to her, but that the additional sum given to her husband for his business should remain at his disposal.[260]

Ibn Lev had a very different attitude towards a husband whose young wife had severe gynecological problems due to a complicated childbirth, which made sexual intercourse with her impossible. The husband wanted to divorce her, and she agreed on the condition that he pay her alimony and provide her with a place to live on her own. The husband claimed that they had been living with his parents and that he could not afford a separate apartment for her. He asked Ibn Lev several questions, including: Could he marry a second wife in spite of his promise not to do so? Did he need a court's permission for that? If he married a second wife, would he be obliged to provide his first wife with a separate lodging and alimony? If he managed to divorce her, would he still have to provide for her lodging and alimony, and would he have to give back the additional sum paid by her father to help him in his business? Ibn Lev's opinion was that even Rabbenu Gershom Me'or Ha-Golah did not mean to be so rigid in his ban of polygamy, and he doubted whether the man needed a court's permission to remarry in his first wife's lifetime. In any event, he was certain that any court of law would allow him to marry a second wife. He was also unequivocal in his decision that the man could not divorce his wife without the court's permission, and justified her demand for separate lodging if her husband married another woman without divorcing her.[261] The rabbi refrained from answering the other questions.

It is interesting to examine the treatment of cases in which, according to ancient Jewish law, a man is prohibited from marrying a Jewess by birth.[262] Ibn Yaḥya discussed two such cases concerning men whose male organs were deformed because of illness, yet they had married in spite of the prohibition. Ibn Yaḥya treated them with the maximum leniency possible, forbidding their excommunication or their being forced to divorce.[263]

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260 Ibn Lev, *Responsa*, vol. 3 (Benei Beraq, 1988), 102:327; cf. ibid., 3:9–12.
261 Ibn Lev, *Responsa*, vol. 2, 22:70–72.
262 *Yevamot*, 76a.
263 Ibn Yahya, *Responsa, Tumat Yesharim*, 51:30a, 212:105b.

A special kind of bill of divorcement was the conditional divorce. It was devised for an uncertain situation prevalent in a society in which people were constantly plying the trade routes and sometimes did not return home. The bill was usually written at the demand of a wife (or her father or guardian) when her husband was planning a long voyage whose duration could not be estimated. It was also used when a deserted wife sent messengers to look for her runaway husband and he sent back a conditional bill of divorce which stipulated a waiting period after which the divorce would be valid.

However, this kind of divorce often became the subject of legal disputes between the husband and wife, or between the wife and the local court. The complications arose for all sorts of reasons; one was that the bill was often written very far from the place of delivery. In one case, the bill was delivered after the date on which the woman was to become divorced. Indeed, the woman considered herself divorced, but Mizraḥi, who had to ratify the bill, stated that it was not valid. His reason was that the delay in delivery had transformed it from a conditional divorce into an absolute divorce, which was not the husband's intention; in fact it even shamed the wife.[264]

In another case in which the husband asked the court to prepare a conditional divorce before his departure, the wife refused to go to the court to receive it, and the court refused to come to her house. While the dispute dragged on, the husband sailed away. When the wife realized that she had been abandoned, she asked for the bill. But Mizraḥi ruled that the husband had not nominated the court to be his messenger, his intention having been to give her the divorce in person; thus the bill was null and void.[265]

While Mizraḥi was very strict in these cases, he was much more lenient in cases which involved women who had returned to Judaism but were dependent on relatives who remained in the Christian fold. His rationale was that those who willingly remained Christian severed themselves from the Jewish people.[266] A case involved a dying man who had a brother who had become Christian. The husband gave a messenger a conditional bill of divorcement specifying that if the husband died, his wife, who was in another town, should be considered divorced and thus free of the need for levirate marriage or *ḥaliẓah*. Mizraḥi ap-

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264 Mizrahi, *Responsa*, 23:61, 31:77, 32:78; idem, *Responsa, Mayim 'Amuqim*, 30:16a.

265 Ibid., 33:78.

266 See above, p. 94.

proved the bill as of the moment it was given to the messenger, since the husband died immediately thereafter. The wife was not even required to receive the bill.[267] Mizraḥi's leniency toward the female side in this case is underscored in comparison with his stand on an absolute divorce (as opposed to a conditional one) given to a messenger in Eğriboz for transmission to a woman in Istanbul. In spite of the fact that the bill was not conditional, Mizraḥi did not agree to consider it valid as of the moment it was given to the messenger, and expressed shock at such an idea.[268]

On the other hand, we have Mizraḥi's ruling on a conditional divorce made by a husband who was preparing for an extended sea voyage; its validity was meant to take effect after three years. The husband returned after a few days and then sailed away again on his long voyage. Mizraḥi ruled that the husband's speedy return did not invalidate the divorce, and that after three years elapsed the wife would be free to marry whoever she wanted.[269] Technicalities brought up with the aim of annulling a similar conditional divorce were not accepted by Rabbi Eliyahu HaLevi. He declared that if the period stated in the bill of divorcement had passed, it took effect and the woman was considered divorced.[270]

A conditional divorce made by a betrothed man who became paralyzed stipulated that it would become valid if he did not recover by a certain time. Rabbi Tam Ibn Yaḥya disqualified it, explaining that the same paralysis which caused the man to arrange the divorce denied him the ability to sign the bill of divorcement; thus he could not divorce his bride.[271]

An overall view of the data substantiates the implementation of both biblical and talmudic axioms regarding male domination in divorce. In spite of the mitigating conditions stated in the Talmud, and in spite of communal regulations of the time, the husband's status in divorce remained superior to that of the wife. Men were never coerced into granting a divorce. In all cases that called for coercion of the husband, mitigating circumstances were found to avert the use of force. In contrast, the right to divorce one's wife was always granted, although in most cases the woman's pecuniary rights were protected by the court.

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267 Mizrahi, *Responsa*, 68:230–236.

268 Ibid., 71:240–41; cf. ibid., 86:270–72, 87:272–277; cf. Ibn Hayim, *Responsa, Mayim 'Amuqim*, 31:38b–39a.

269 Mizraḥi, *Responsa, Mayim 'Amuqim*, 5:6a.

270 *Responsa, Zeqan Aharon*, 58:45b.

271 *Responsa, Tumat Yesharim*, 142:69b–70a.

The claim *ma'is 'alai* (I loath him/her) was always accepted when the husband was the one making it—but if the wife raised this claim, her motives were suspect. The jurists did not conceal their rationale, declaring that too much freedom for women would lead to permissiveness and undermine the norms of society, a society governed by men.

This impression of a male-dominated society designed to serve the interests of men is even more clearly visible in cases involving marriages forbidden by Jewish law. When a husband insisted on living with a wife forbidden to him, the court never once confirmed this prohibition, but always found reasons to allow the man to stay with the woman.[272] Problematic situations which called for special kinds of divorces (conditional divorce, divorce of the dying), meant to protect the interests of the wife, were often dealt with so rigidly that the judgments missed the point for which such bills were created. In the final analysis, the approach of rabbinical authorities to the two parties involved in a marriage, and thus a divorce, was not that they were equal partners; at best the authorities took the role of guardian of the wife's interests, regarding her as inherently weak and vulnerable.[273]

Deserted Women

The Hebrew word for a deserted woman is *'agunah*, which literally means chained by an anchor. This imaginative word describes very clearly the situation of a woman who is married but bound to live by herself due to the fact that her husband disappeared, or is in a state which prevents her from obtaining a divorce from him. She is thus chained to him in a way that anchors her to a life of coerced solitude. She is not allowed to marry anyone else, and any children she might have with another man would be considered bastards.[274]

Desertion could be the outcome of several sets of circumstances. The classic situation was a married man who had wearied of his obligations and commitments and simply disappeared.[275] Sometimes a prospective

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272 Compare also with HaLevi, *Responsa, Zeqan Aharon,* 16:22a–b.

273 Compare with the outstanding discussion in Lamdan, *A Separate People,* 15–16 (which was not included in the English edition), and cf. J. Weinroth, "The Law of the Rebellious Wife" (Ph.D. diss., Tel Aviv University, 1981), 3–4, 9.

274 For a general survey, see *EJ*, s.v. "Agunah" and the vast bibliography there; Y.Z. Kahana, *The Book of 'Agunot* (in Hebrew) (Jerusalem, 1954); Schereschewsky, *Family Law*, 64–65; Elon, *Jewish Law*, index, and especially vol. 1, 428–34.

275 See, for example, Mizraḥi, *Responsa,* 71:240–41, 78:251–57; Ibn Yaḥya, *Responsa, Tumat Yesharim,* 102:48a.

groom regretted a betrothal for any number of reasons, such as a quarrel with his father-in-law, or an adult groom may have become tired of waiting for his minor bride to mature. Being unable or unwilling to confront the bride's family, he would disappear without a trace.[276]

However, personal problems were only part of the picture. Sixteenth-century Istanbul was a society in which a considerable number of men made their livelihood as itinerant merchants and artisans, making long journeys by sea or by land, which did not always end with their safe return home. The disappearance of itinerant merchants due to the sinking of ships, or attacks by highwaymen on the roads in Anatolia or Rumelia, was not rare. The widows of such unfortunate breadwinners were left in limbo, unable to mourn, unable to get married, and often in very difficult economic straits.[277]

The conditional divorce with an effective date in the future was created to avoid leaving widows in this situation. However, not all men agreed to grant their wives these divorces before leaving. Such divorces were scrutinized carefully by the rabbinical courts and were not always accepted, even at the cost of leaving a woman anchored.[278]

Some cases of desertion emerged from the expulsion and coerced conversion that were in the background of many Istanbuli Jews. These have already been discussed:[279] widows whose husbands left no living offspring and whose brothers-in-law were living in the lands of Christendom where communication with them was impossible;[280] and women who emigrated to the Ottoman lands while their husbands stayed in the lands of Christendom and converted without giving their wives a Jewish bill of divorcement.

The need to obtain a levirate divorce could trap a widow even if the brother-in-law was living near her or in the same household, if he insisted on marrying her and she refused. Such widows would often be forced to continue their lives in the limbo of '*agunot*, although they would not be perceived as such by the surrounding society.[281]

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276 See above, pp. 121–22, and Ibn Yahya, *Responsa, Tumat Yesharım*, 71:36b–38b.

277 See, for example, Mizrahi, *Responsa,* 37:89–93; HaLevi, *Responsa, Zeqan Aharon,* 74:54a; Ibn Yahya, *Responsa, Tumat Yesharım*, 74:39a–40a, 132:62a–135:66b, 151:74a–75a.

278 See discussion above, pp. 170–71.

279 See above, pp. 93–96.

280 For example, Mizrahi, *Responsa,* 47:121–27, 48:127–130, 68:230–36; idem, *Responsa, Mayim 'Amuqım*, 32:19b, 33:20b–22a; HaLevi, *Responsa, Zeqan Aharon,* 17:23b–28a.

281 See above, pp. 154–62.

We have seen that Sephardi sages of the first generation after the expulsion tended to rule very strictly in the matter of deserted women who needed a levirate divorce from a Christian brother-in-law or a divorce from a converted husband, obliging them to sit and wait "until their hair turned white."[282] At the same time, Romaniot rabbis tended to rule with great leniency in such cases.[283]

Levirate marriage was preferred to divorce by the scholars of most ethnic groups, in spite of the fact that this attitude exposed some of the women to economic extortion, coerced others into unwanted marriages, and doomed some to the life of an *'agunah*.[284] We have also seen how rigidly the rabbinical authorities could deal with the technicalities of a conditional bill of divorcement.[285]

What remains is a discussion of the classic case of a woman whose husband disappeared and either was presumed dead or was found in a distant land. Of twenty-six cases discussed by Istanbuli jurists between 1490–1562 that involved Istanbuli couples and dealt with desertions of the types described above, five concerned either a husband or a brother-in-law who converted to Christianity. All five cases were solved by freeing the wife from the marriage bond.[286]

Seven cases involved confirmation of conditional divorces; they were given to messengers by husbands who were in faraway locales or were about to set off on long journeys. Five of the seven divorces were annulled because of technicalities, even though the rabbis knew that it would be very difficult to obtain new ones.[287] The two cases in which the divorce was ratified (by Rabbi Eliyahu HaLevi) were rather unusual. The first had to do with a fugitive husband who was found in another city; the Istanbuli court was anxious to get the divorce from him before he disappeared, so technicalities were put aside.[288] The second case was the one discussed earlier in which the father accepted betrothal

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282 See above, pp. 93–96.

283 See above, pp. 93–94, and compare with Mizrahi, *Responsa*, 21:59.

284 See above, pp. 154–62.

285 See above, pp. 170–71.

286 Mizraḥi, *Responsa*, 21:59–60, 68:230–31; idem, *Responsa, Mayim 'Amuqim*, 32:19b, 33:20b–22a; HaLevi, *Responsa, Zeqan Aharon*, 17:23b–28a. These do not include theoretical discussions not pertaining to a specific couple, such as Mizrahi, *Responsa*, 47:121–127, 48:127–30. For a general discussion of this problematic encounter between Romaniot and Sephardi worlds, compare with the above, pp. 94–99.

287 Mizrahi, *Responsa*, 31:77–78, 32:78; HaLevi, *Responsa, Zeqan Aharon*, 75:54a, 76:54a.

288 HaLevi, *Responsa, Zeqan Aharon*, 11:18b.

for his minor daughter from an itinerant merchant while on a journey, and the strict conditions were not followed by the groom.[289]

The other thirteen cases involved the classic husband who disappeared. Nine of the women were released from their chains and freed to remarry.[290] In one instance a dispute emerged between Rabbi Eliyahu Mizraḥi, who freed the woman, and Rabbi David Ibn Yaḥya, who felt that the matter should be dealt more strictly.[291] In two other cases the evidence of the deaths of the husbands was not considered admissible, and the women remained chained to marriages without husbands.[292]

In sixteen recorded instances the rabbinical authorities dealt with cases of deserted women from Jewish communities other than in Istanbul. In the one case that came to Rabbi Eliyahu Mizraḥi's court, he released the woman.[293] Another was heard in the court of Rabbi Tam Ibn Yaḥya, who decided that the woman should remain chained.[294] The other fourteen cases were deliberated in Rabbi Yosef Ibn Lev's court when he presided in Salonika. In seven cases he freed the women,[295] in five cases he decided that the evidence about the husbands' deaths was insufficient to free the wives,[296] and two cases remained inconclusive.[297] These cases reinforce the tendencies reflected in the Istanbuli cases and help us see the conceptual world of these leading authorities.

A detailed inspection of each case could show that there were sufficient legal reasons for the decisions. On the other hand, an overall view presents a different picture. Different rabbis treated the same cases differently.[298] The same rabbi would come to one conclusion when a theoretical case was discussed, and another conclusion when presented with a practical case containing the same elements but involving evidence

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289 Ibid., 58:45b, and see above, pp. 121–22.

290 Mizrahi, *Responsa,* 36:84–89, 37:89–93, 38:93–103, 78:251–57; HaLevi, *Responsa, Zeqan Aharon,* 74:54a, 103:65a–66a; Ibn Yahya, *Responsa, Tumat Yesharım,* 71:36b–38b, 132:62a–135:66b, 136:66a–b, 151:74a–75b; Ibn Lev, *Responsa,* vol. 3 (Benei Beraq, 1988), 4:12–15.

291 Mizrahi, *Responsa,* 36:84–89, 37:89–93, 38:93–106.

292 Ibn Yahya, *Responsa, Tumat Yesharım,* 74:39a–40a; Ibn Lev, *Responsa,* vol. 4 (Benei Beraq, 1988), 3:7.

293 Mizrahi, *Responsa,* 74–76:242–50.

294 Ibn Yahya, *Responsa, Tumat Yesharım,* 74:39a–40a.

295 Ibn Lev, *Responsa,* vol. 1, 1:7–11, 2:11–15, 3:16–21, 4:21–24, 8:32–36, 9:36–39; vol. 3 (Benei Beraq, 1988), 2:6–9, 51:184.

296 Idem, vol. 1, 5:24–27, 7:29–32, 60:148–50, 113:258–61; vol. 3 (Benei Beraq, 1988), 51:144.

297 Idem, vol. 1, 6:27–29; vol. 3 (Benei Beraq, 1988), 18:51–56.

298 For example, Mizrahı and Ibn Yahya (Mizraḥi, *Responsa,* 37:89–89 and 38:93–106); Mizrahi and Ibn Haviv (ibid., 47:121–27 and 48:127–130).

from the lands of Christendom.[299] Thus, the same rabbi might make different determinations in cases characterized by the same legal problems. Hence, not only the strictness of the interpretations must be taken into consideration when assessing the rabbinical rulings in cases of desertion, but also social and conceptual factors. The most important general observation is that all of the rabbinical authorities, even the more rigid ones such as Ibn Lev, tended to greater leniency in their rulings with respect to women whose husbands were considered dead, than in any other situation that caused them to become *'agunot*. The strangest kinds of evidence, otherwise inadmissible according Jewish law (including hearsay), were considered admissible in order to free deserted women whose husbands were believed to be dead.[300]

Why were these cases treated with more leniency than were those which involved obtaining a corrected bill of divorcement from a husband residing in a remote corner of the empire? On one hand, the secular leaders of the communities viewed deserted women as an economic burden, since they frequently were in dire straits. On the other hand, the spiritual leaders considered them to be a hazard for male society. Many of the women were young; the fact that they could not get married, combined with their difficult financial plight, turned them into women whose sexual availability could menace the equilibrium of the extended family as well as the community itself.

This view is repeated many times in the literature. Rabbi David Ibn Yaḥya showed great understanding of Mizraḥi's leniency in regard to a case discussed in 1503: "It is true that his heart is the heart of the cou-

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[299] Compare Mizrahi (*Responsa*, 20:53–59) discussing Maimonides (*Hilkhot Gerushin* 20) about a known liar who said her husband was dead and brought a witness to corroborate her testimony, which was declared inadmissible, with idem (*Responsa*, 21:59–60) on a man and wife who were converts. The husband remarried, claiming that according to Christian law the first marriage was null and void. The wife also remarried, but her husband died. She returned to Judaism and wanted to remarry. She declared that her first husband had died; her testimony was admitted, even though this was a classic case of a woman considered to be a liar (because of her conversion at the time of her second marriage).

[300] Compare Ibn Yaḥya, *Responsa, Tumat Yesharim*, 74:39a–40a and ibid., 136:66a–b. In the first case, the evidence was considered inadmissible, despite many identifying details, because one witness could not testify that he had buried the dead itinerant butcher, while the second was a convert and thus unreliable. In the second case, a passing soldier reported that he had seen the bodies of two Jews who had been killed on the battlefield and gave their names. Although the likelihood of error was fairly great since there were other Jews on that battlefield, Ibn Yaḥya considered testimony regarding burial unnecessary due to the names given by the soldier, supporting this decision on the basis of previous cases.

rageous ones, and thus he pitied the anchored woman, and saw in his wisdom the future outcome [of leaving her in that situation], since women have frivolous minds, first they are outside the house, and next they are in the streets, and strictness might create a breach [in the wall of moral norms], and according to the time and the hour, and also according to his pure mind, listening to the permissive opinions, and permitting in this case, deserves praise."[301]

The responsum goes on to explain why Mizraḥi is nevertheless wrong in his decision. In 1506, Mizraḥi himself nullified a divorce sent by messenger from Eğriboz to Istanbul, but at the same time urged the leaders of Eğriboz to find a qualified court of law near their town that would rewrite the bill of divorcement. He stressed the importance and the urgency of the matter: "Because by doing so, a soul or souls are being saved from various dangers and especially in our times when the daughters of Israel are prepared for all sorts of dangers."[302] The sages of Candia who asked Tam Ibn Yaḥya to solicit a divorce from an Istanbul man who had deserted his wife in their town, expressed their concern that the stranded wife would go astray if not allowed to remarry.[303]

Apart from the obvious negative opinion of the female character expressed in these observations, the question still remains: why were these rabbinical authorities less lenient in cases involving husbands who were reluctant or difficult to locate, and more lenient in declaring the deaths of husbands who had vanished, when the danger posed by the deserted women to the moral standards of Jewish society appears to be the same in either case?

The answer lies in their assessment of the human psyche. A deserted wife waiting for a divorce from a faraway place may have still hoped to obtain it and was willing to behave according to the community's social norms while waiting for the desired document. On the other hand, a woman who understood that her chances of seeing her husband alive were nil, and that her right to remarry was blocked by strict interpretation of rules of evidence, was less likely to conform to the social norms. The rabbinical authorities who dealt with these cases understood this psychological situation and acted accordingly.[304]

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301 Mizrahi, *Responsa*, 37:89–93.

302 Ibid., 71:240–41.

303 Ibn Yaḥya, *Responsa, Tumat Yesharım*, 102:48a.

304 Compare the picture derived from Istanbul and Salonikan data to that revealed by the decisions of the sages in the Arabic speaking provinces of the empire in the same period (Lamdan, *A Separate People*, 162–68 [In the English edition, pp. 202–210]).

The early generations of Jewish law support the differences in these rulings. The laws of evidence with respect to deserted women were already being interpreted with leniency in the Mishnaic period (second or third century) and thereafter.[305] The reasoning expounded in the Mishnah and the Talmud, revolving as it does around logical explanations, differs from that of the sages of Istanbul—but it is obvious that the basic reason is the same as the one expressed by the sages of Ashkenaz in the Middle Ages: "Although the sages cannot uproot something written in the Torah by way of command, where there is a reason and logic in it, surely, it is a common understanding that they have the power to uproot."[306]

This revolutionary statement served its purpose when the issue of deserted women was considered ruinous to Jewish society, and it did not displace well-established social norms. On the other hand, in other matters pertaining to *qidushin* and *gerushin* (divorce), the tendency, especially from the thirteenth century onward, was to refrain from introducing any new regulations; thus a bill of divorcement remained a bill of divorcement. The strict rules in arranging, writing and implementing the bill were created not only to ensure uniformity throughout the Jewish Diaspora,[307] but also in order to make divorce difficult because it was something that should be regarded as a very serious matter. This prolonged the procedure and gave the couple another chance to reconsider their decision. The net result was that concessions, changes and variations in the way divorces were written and presented were difficult for the rabbis to accept. The right to arrange, formulate and write a bill of divorcement was usually given only to widely respected rabbinical scholars of the highest caliber. Allowing changes and "errors" in such bills could bring about a situation in which an ordinary scholar who did not specialize in this art would also be capable of arranging a bill of divorcement. This would breach the hierarchy of the Jewish scholarly world—an unacceptable idea to the elite of this social stratum.

Another observation that emerges from the data is that Romaniot scholars were more lenient than their Sephardi colleagues—not only in

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305 Mishnah, *Yevamot*, 15:11, 16:7; Mishnah, *'Eduyot* 1:11; *Tosefta, 'Eduyot*, 1:6; *Tosefta Yevamot* 14:7; *Yerushalmi, Yevamot*, 15:5; *Bavli, Yevamot*, 116b; Maimonides, *Hilkhot 'Edut*, 5:1–3; idem, *Hilkhot Gerushin*, 13:29, etc.; see also the discussion in Elon, *Jewish Law*, 428–36.

306 *Yevamot*, 88a; *Tosafot* starting with the words "Mi-tokh homer she-hehemarta 'alyeha be-sofah" etc.; see also Elon, *Jewish Law*, vol. 1, 432–33.

307 See ibid., 401.

cases that involved converts living in the lands of Christendom, but also in those dealing with Jews in the Ottoman lands. Furthermore, as time went on and Iberian-born scholars became leading figures, the tendency toward rigid rulings in matters of deserted women gained momentum. Since the Romaniot scholarly world in Istanbul had become almost completely assimilated into the Sephardi world by the end of the sixteenth century, it is difficult to pinpoint the differences in the rulings of these sages that would allow us to draw definite conclusions about the reasons for these disparities.

Although there was a clear tendency among the rabbinical authorities to try to solve the problems of deserted women, it should nevertheless be remembered that some of these women waited ten[308] or even seventeen years[309] and their hair turned white before they were released from their chains, while others remained chained to the anchors of their dead husbands until their dying days.[310]

Parenthood and Child Rearing

Since continuation of the family line was a major goal of marriage, the Jewish community of Istanbul focused a great deal of attention on pregnancy, childbirth and child rearing. It was commonly expected that a woman would become pregnant a short time after her marriage was consummated.[311] Birth control was considered an unethical act, although some forms of it existed. Natural miscarriage seems to have been most common, and was an important factor in widening the time span between births.[312] We have no direct evidence of elective abortions. Artificial methods must also have been used, since the moralistic literature criticized it. The assumption was that if a married woman did not get pregnant within a reasonable period of time and at reasonable intervals, she was either doing something to prevent pregnancy or was

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308 Ibn Lev, *Responsa*, vol. 1, 9:36–39.

309 Mizrahi, *Responsa*, 78:251–57.

310 For example, Ibn Lev, *Responsa*, vol. 4 (Benei Beraq, 1988), 3:7–9.

311 Almosnino, *History of the Ottoman Kings*, 194–95; Rozen, "Life Cycle," 120–21.

312 The Mishnah and the Talmud permit the breastfeeding woman, the pregnant woman and the minor (eleven- to twelve-year-old girl) to use contraceptives. For the breastfeeding woman, the rationale was the belief that she would have to stop nursing if she became pregnant; for the pregnant woman, it was the belief that she could get pregnant again and thus endanger the wellbeing of the existing embryo; for the minor girl under twelve, it was the understanding that she would be endangering her life if she became pregnant (*Yevamot* 12b:100b; *Ketubot* 39a, etc.). There was a dispute among jurists about whether minors were permitted to use cotton as a contraceptive.

cursed from on high.[313] For poor women, natural forms of birth control were malnutrition, crowded housing conditions and the burden of work, all of which hindered conception. Women of means and leisure, on the other hand, were almost always pregnant through their years of fertility; however, the high rate of natural miscarriages and infant deaths balanced this tendency, so that the bottom line among rich as well as poor was much the same.[314]

In a society in which the emphasis on procreation was so strong, the evidence on infant care is somewhat unexpected. Suckling by the mother seems to have been a common way of feeding only among the lower classes. Mothers in well-to-do families hired wet nurses to avoid having to do the breastfeeding themselves; the reason given for this practice is that they wanted to shorten the interval between pregnancies.[315] Jewish legal literature assumes that a new pregnancy caused suppression of the mother's milk, which was considered an act against the well-being of the baby;[316] in reality, however, it was the other way around: the end of the lactation period enabled the woman to get pregnant again. The Hebrew literature makes no mention of the medieval recommendation to refrain from sexual intercourse during the lactation period, as the Muslims did.[317] The prohibition was based on the mistaken idea that sexual intercourse spoiled the milk; nevertheless, a Muslim woman's avoidance of sexual intercourse during the breastfeeding period gave her a long period of recuperation from the birth[318] and the chores of attending to an infant—a welcome respite which her Jewish sister did not have.

Of great interest is the legislation in regard to babies orphaned of one parent, and the way it was implemented. The situation of orphans with one or no remaining parents is a complicated one in every society, and the methods used to mitigate the hardships they faced were discussed in the section of this chapter dealing with age at marriage.[319] However, not everyone was able to arrange their children's marriages before they

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313 Ya'abeẓ, *Torat Hesed*, on Psalms 15, page 12a.

314 Almosnino, *History*, 194–95.

315 Ibid., and compare with Lamdan, *A Separate People*, 74. (In the English edition, pp. 87–88.)

316 See above, ref. 312, and *Shulḥan 'Arukh, Even ha-'Ezer, Hilkhot Ishut*, 13:11.

317 Compare with A. Giladi, "Breastfeeding in Medieval Islamic Thought," *Journal of Family History* 23 (1998): 114, and the sources cited there.

318 The recommended period of breastfeeding in Islam is also twenty-four months (ibid.).

319 See above, pp. 122–24, 126.

passed away—and even among those who managed to do so, their expectations and hopes did not always materialize.

While a child orphaned of both parents had to rely on the goodwill and decency of relatives and guardians, as well as the conscientiousness of the local rabbinical court assigned to deal with his interests, it would be expected that an orphan who still had one parent would be taken care of by that parent with love and dedication. However, such expectations should not be taken for granted.

When a marriage was terminated, according to Jewish law, female children remained with their mothers until the children's marriage; male children stayed with their mothers up to the age of six, and then came under the custody of their fathers.[320] The law stipulated that after the age of six, a male child orphaned from his father should not be left to be reared by relatives who were his legal heirs.[321] According to Jewish law, the child's heirs were the same as his father's heirs; thus, an orphaned male stayed with his mother or her family.

Since so many people died in the prime of their lives, it was not uncommon for a widow to be pregnant or nursing an infant.[322] Apparently in order to ensure that such a mother would be available to care for her baby's needs, including breastfeeding, at all times, Jewish law held that a pregnant widow or the lactating mother of a newborn baby could not remarry until the child was twenty-four months old.[323] An indication that the law was viewed as reasonable (at least by the rabbis) can be seen in Rabbi Eliyahu Ibn Ḥayim's assertion in the second half of the sixteenth century that most widows with an infant waited twenty-four months of their own free will before they remarried.[324]

Nevertheless, at the beginning of the sixteenth century, the dying father of a newborn baby boy left a deathbed wish that his wife breastfeed their son until he was twenty-four months old.[325] Since this situation

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320 This is the same situation as in Muslim law. See Giladi, "Breastfeeding," 114; cf. H. 'Abdal-'Ati, *The Family Structure in Islam* (Indianapolis IN: American Trust Publications, 1977), 246.

321 *Ketubot*, 102b; Maimonides, *Hilkhot Ishut*, 12:14, 21:17. The reason is that the father is obliged to provide for the children up to the age of six; see also *Ketubot* 65b; *Shulḥan 'Arukh, Even ha-'Ezer, Hilkhot Ketubot*, 77:1–4.

322 See p. 141, ref. 182 above, and Ibn Lev, *Responsa*, vol. 1, 77:188; vol. 2, 32:91; vol. 3 (Benei Beraq, 1988), 44:127.

323 *Ketubot*, 60a–b; *Yevamot*, 36b; 42a; *Sotah*, 26a; *Shulḥan 'Arukh, Even ha-'Ezer*, 13:11.

324 Ibn Hayim, *Responsa, Mayim 'Amuqim*, 40:42b–43a.

325 Ibid.

had already been addressed by the law, why was it necessary for the father to put it into his will? In separate cases, both Rabbi Eliyahu Mizraḥi and Rabbi Eliyahu Ibn Ḥayim mentioned the possibility that a lactating mother would disregard the law and choose to remarry rather than breastfeed her baby.[326] There were, of course, instances in which the deceased's family did not object to the mother's immediate remarriage, and even undertook to care for the child from the beginning. But the dying father evidently wanted to take no chances that his widow would soon remarry instead of carrying for their son for at least the first two years of his life.

The father may have compensated the mother financially for the service she would be rendering to the family line. Indeed, the legal conception of a mother's role was that of a vehicle in the service of the family line.[327] Her obligations to the line were taken for granted as long as she lived with her husband. But upon his death, or in case of divorce, her services could no longer be taken for granted; they now had a price. A breastfeeding woman, whether the mother or the wet nurse, was considered to be hiring out her body for that purpose. So long as the father of the child was her spouse, this was seen as a natural part of her duties toward their mutual children.[328] After a marriage was terminated, however, the breastfeeding of the orphan was considered an interest of the father and his family, not of the mother. The widow's interest was in remarrying as soon as possible, and the suckling of her infant interfered with that interest.[329] This conclusion is reflected in the fact that such widows sometimes demanded to be paid for this service by the father's heirs,[330] and that a pregnant woman who got divorced was not expected to breastfeed her infant if it did not yet recognize her.

Interestingly, Mizraḥi accepted the argument that the prohibition against a widow marrying for twenty-four months after her child's birth was valid regardless of whether she nursed the baby. This strict measure was not based on the fear that if a widow remarried and gave her child to a wet-nurse, the infant's separation from the intimate care of his mother might cause him sorrow and even lead to his death. The perceived danger was that when the baby was returned to its mother after

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326 Ibid; Mizrahi, *Responsa, Mayim 'Amuqim*, 10:9a.

327 Compare with Lamdan, *A Separate People*, 76. (In the English edition, p. 91.)

328 *Ketubot*, 59b.

329 Mizrahi, *Responsa, Mayim 'Amuqim*, 10:9a; Ibn Hayim, ibid., 40:42b; Ibn Lev, *Responsa*, vol. 2, 32:91.

330 Ibn Lev, *Responsa*, vol. 2, 32:91

she remarried, there was a good chance that she would neglect the child—since she had not developed any feeling for it and her interests would now lie elsewhere.[331]

This discussion of the specific issue of breastfeeding illuminates broader aspects of parenthood and family life. In the eyes of the talmudic legislator and those who commented on his decisions, motherhood was not an absolute value. A woman's task was to get pregnant and give birth to healthy offspring. Rearing them, however, was not necessarily her direct responsibility, especially if she came from a well-to-do family. The male children belonged to the family, to the line, and society perceived them as belonging to their father. In case of the father's death, the father's family had a viable interest in the child and might claim him. A young widowed mother of a son might give him to his father's family when he was two years old, or even before that if a wet-nurse was found. The mother herself would be aiming to remarry. In spite of the custody laws which gave the mother the right to raise her son until the age of six, the talmudic legislator did not feel that male offspring required her intimate care after the age of twenty-four months. Her function vis-à-vis her husband's family was completed; they were not interested in her welfare after she fulfilled her task, and if she did not remarry she could be a moral and economic burden on the household.

The talmudic reservation about having an orphaned baby boy reared by his potential heirs did figure in the considerations of Jewish Istanbuli jurists. Ibn Ḥayim's explanation: under Muslim law, the brothers of the orphan's mother could also claim part of his legacy; indeed, many Jews turned to the Muslim court to exercise this right. Therefore, as far as his legacy was concerned, it made no difference whether he was brought up by the extended family of his father or that of his mother.[332]

Furthermore, if the deceased father had male offspring from a previous marriage, they would not be interested in having a new half-brother, and certainly not a sister.[333] Moreover, the widow would most likely be looking for a new spouse who would agree to having children from her first marriage in their household. If she was lucky, she would find a spouse who would treat her child as his own.[334] If she was unlucky in her second marriage, the orphan's chances of reaching adulthood were not so good. An infant girl whose father died in her infancy almost al-

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331 Mizrahi, *Responsa, Mayim 'Amuqim*, 10:9a;
332 Ibn Hayim, *Responsa, Mayim 'Amuqim*, 40:43a.
333 Ibn Lev, *Responsa*, vol. 2, 32:91.
334 Ibn Lev, *Responsa*, vol. 1, 77:188.

ways remained with her mother,[335] although continued breastfeeding by the widow could not be taken for granted in all cases.[336]

A male child of a well-to-do family would be cared for after his mother's death, especially if he had no half-brothers from previous marriages. On the other hand, baby girls who lost their mothers were in a more difficult situation, since they did not continue the family line. The responsa literature of the second half of the sixteenth century relates two cases in which the mother of a baby girl died. In one instance, the father left an eight-day-old baby with a non-Jewish wet-nurse and disappeared; out of compassion, the nanny brought her up until she was six years old and then tried to give her to a Jewish family.[337] In the other case, the mother of a fifteen-month-old girl died and the baby died twenty-three days afterward.[338]

The birth of a male descendant was the real goal of marriage, since the boy represented the future of the family line. The importance of male progeny is clearly seen not only in the basic inheritance legislation, which was in their favor,[339] but also in a variety of other laws and regulations designed to ensure their health, safety and education. For example, the talmudic prohibition against a breastfeeding mother's remarriage until her infant was twenty-four months old referred to babies only in the masculine gender; it did not mention female babies at all.[340] One could argue that this was simply a grammatical convention that, for all practical purposes, actually included both male and female babies under the ruling—and that the omission did not mean that the mother of an infant girl was permitted to remarry before her baby was twenty-four months old. Nevertheless, the crucial point here is the fact that the society viewed female offspring as inferior to males.

In a case involving a woman who had vowed not to breastfeed her infant, both Maimonides and Rabbi Yosef Caro declared that a mother must breastfeed until the child was twenty-four months old. Taking a small step toward equality of the sexes, they stressed that this applied to

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335 *Ketubot*, 102b; Maimonides, *Hilkhot Ishut*, 12:14, 21:17.

336 Ibn Lev, *Responsa*, vol. 2, 32:91.

337 Ibn Lev, *Responsa*, vol. 3, 98:91.

338 Ibn Hayim, *Responsa, Mayim 'Amuqim*, 5:31b.

339 On the order of inheritance in Jewish law, see, Num., 27:8–11; Mishnah, *Bava Batra*, 8:1–2; Maimonides, *Hilkhot Naḥalot*, chap.1; Gulak, *The Elements of Hebrew Law*, vol. 3, 81–83, and compare with Lamdan, *A Separate People*, 181. (In the English edition, pp. 232–34.) Of all monotheistic systems of law, Jewish inheritance law is the most favorable to the male; compare with p. 124, ref. 104 and p. 125, ref. 106 above.

340 See above, pp. 181–83 and especially ref. 323.

both male and female babies. But since the woman's husband was alive, the circumstances were different from that in the foregoing discussion; there was no mention of the situation in which a widow with a female infant wanted to get married before the end of the two-year period.[341]

Education

Special care was taken in the education of male children. It was the father's duty to see to his son's education and to make sure that the boy was introduced to the world of sacred literature (Torah, Mishnah, Talmud) and the basic Jewish juridical works. In the absence of a father, it became the duty of his closest male relative or guardian. Educating one's children was considered an important means of ensuring eternal life, and who did not want a bit of eternity? Religious education was construed and implemented in the Jewish Diaspora, including Istanbul, as a means for constant reaffirmation and consolidation of the cohesiveness of Jewish society. Instead of a country, a common colloquial language, or a continuous common history, the Jews had a common library.[342] Rabbi Yiẓḥaq ben Shelomoh Ya'abeẓ, who was active in mid-sixteenth-century Istanbul, explained Psalms 8:3 ("Out of the mouth of babes and sucklings hast Thou founded strength, Because of Thine adversaries; That Thou mightest still the enemy and the avenger") as a commandment to teach the babies.

Education in Istanbul was organized by each congregation separately, and each one hired a teacher according to its means.[343] The parents contributed toward the teacher's salary, but it was actually paid by the congregation as whole. Children from poor families who could not afford the tuition fee were dependent on public money; sponsorship of poor children was financed through the legacies of wealthy people.[344]

Children began their educational careers at the age of four or five, and usually continued until they were thirteen or fifteen. A boy came of age at the age of thirteen, which meant that from then on he himself and not his father would be responsible before his maker for all his actions, and that he was committed to performing all the commandments of Jewish law. From that time onward he was *bar-miẓvah*. The symbolic

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341 *Ketubot*, 59b; Maimonides, *Hilkhot ishut* 21:13; *Shulhan 'arukh, even ha-'ezer*, 82:1.

342 For a general survey on education in Jewish society, see *EJ*, s.v. "Education." For a rich bibliography on the Jewish education in the Ottoman Empire in the sixteenth century, see Rozen, "Life Cycle," 111, ref. 3.

343 *Torat Hesed*, 5a.

344 Ibn Lev, *Responsa*, vol. 1, 51:131.

ritual which marked this rite of passage on the Sabbath closest to his birthday was calling the youngster to the rostrum of the synagogue to read from the Torah. In Istanbul, this event also marked his entrance into adulthood. Thirteen- to fifteen-year-old boys became engaged and got married.[345] Only those who had shown a special inclination and a gift for learning continued to study full-time after that.[346]

The day when a boy embarked on his education it was an important moment in his life, as well as evidence that the family's future was safe. A family's greatest loss was the death of a son who had reached the age of thirteen; it was as if the family had arrived at the threshold of eternity, but was driven away.

Of the 291 readable tombstones in the ancient cemetery of Hasköy dated 1582–1599, 185 were those of males and only 106 were of females. Of the 185 stones on the graves of men, 15 were of students (aged 13–18), 17 were of unmarried men (bachelors aged about 18 and over), and one tombstone was that of a betrothed young man (aged between 13 and 18). While almost all of the 291 gravestones bear very short and concise inscriptions, eight of those placed for young men bear long and intricate inscriptions which express the sorrow and anguish of their parents, the desperation at their failure to continue the line.

The parents of Aharon ben David HaKohen ordered the stonemason to carve the following words on his tombstone. The free translation does not reflect the poetic quality of this inscription:

> I shall weep and cry bitterly on my son Aron's death
> Wailing and crying, anger and wrath
> The burial mark of an illustrious, delightful unique[347] lad;
> His parents hearts he has burnt when departed
> He Aron son of David was [by death] devoured[348]
> Passed away on Sunday the 26th day of Elul, of the year 5344.[349]

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345 The oldest recommended age for marriage of males was eighteen (Rozen, "Life Cycle," 112, 117).

346 Ibid., 110–112.

347 In the sense of an only son to his parents.

348 Comparing death to a wild beast.

349 The Gregorian date is 2 Sept. 1584. The Hebrew year 5344 is equivalent to the Hebrew letters H'SH'M'D', which means destroy, annihilate, wipe out. See (t.s. 34MA, lot 4–1, film 243, 10 Jan. 1989, 17 Mar. 1989). See also the inscriptions on the tombstones of Yiẓhaq Levi (d. 19 May 1583, t.s. 81L, lot 3–4, film 83, 18 Sept. 1987; 252*, 15 Jan. 1989); Barukh ben Yosef Ashkenazi (d. 4 Feb. 1585, t.s. 26*MA, lot 4–2, film 28, 24 Oct. 1988); Efraim ben Mosheh Ḥalilya (d. 14 July 1597, t.s. 55L, lot 4–4, film 54, 16 Sept. 1987); Yoḥanan ben Mosheh Maẓliyah (d. 8 June 1589, t.s. 85MA, lot 6–1OB, film 575, 19 Jan. 1989); Toviyah ben Elyaqim Safami (d. 2 Mar. 1585, t.s. 8MA,

Female children

Girls were considered less important in Jewish Istanbul, so we do not have much information about their childhood. The preference for sons over daughters is reflected not only in legislation but also in Jewish folklore from this part of the world. It was said: "She who breastfeeds a son, strings pearls; she who suckles a daughter, strings a sigh."[350] And "You are silent as if a daughter has been born to you."[351] While the son was the bearer of the family's name and standard, the daughter was a constant source of worry about her chastity, her marriage or her dowry.[352] A girl was supposed to remain at her mother's side and learn how to be a wife and mother herself. This was taught through participation in household chores, as well as through subtle means such as the *romancas* that people around her would sing. They taught her "to serve him, to honor him, to prepare his table and pour for him the wine."[353] As with boys, her childhood was very short. Her fate was a function of her family's social status and her position within the family—i.e., whether she was an orphan, an only child, had other sisters or brothers, was the a daughter of a first or second marriage, and so forth.

Attitudes toward children

Philippe Aries and his followers concluded that until the eighteenth century, children did not count. They died so frequently that their parents, trying to avoid the feeling of loss at each death, were indifferent to them until they appeared likely to achieve adulthood. According to Aries, this led to the neglect of babies and children, who were given over to wet-nurses outside their homes, and to indifference toward their special needs; this phase of childhood was ignored. Children in every social class were at the very bottom of the social scale; they were considered a burden rather than an asset.[354] It was only in the eighteenth century—

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lot 6–2, film 2, 8 Aug. 1988); Avraham ben David Pinto (d. 31.10.1589, t.s. 25MA, lot 6–4OB, film 579, 20 Jan. 1989); Mosheh ben Yiẓhaq Toviyah (d. 1585, t.s. 26, lot 12–6, film 411, 20 Dec. 1988).

350 Moskuna, *The Pearls of Spain*, 107.

351 Ibid., 90.

352 Compare with *Sanhedrin*, 101a.

353 Galante, *Histoire*, vol. 1, 295.

354 P. Aries, *L'enfant et la vie familiale sous l'ancien régime* (Paris: Librairie Plon, 1960). For works whose authors followed his path, see I. Pinchbeck and M. Hewitt, *Children in English Society* (London: Routledge and Kegan Paul, 1969); J. Demos, *Family Life in a Plymouth Colony* (Oxford: Oxford University Press, 1970); D. Hunt, *Parents and Children in History* (New York: Harper and Row, 1972); E. Shorter, *The*

with the new interest in education, according to Aries,[355] and the advent of capitalism, according to others[356]—that the status of children changed, along with their parents' attitude toward them.

A more radical view, that of Elizabeth Badinter, continued Aries's line of thought; she looks at French children of that period from a different angle altogether. She claims that maternity, or maternal care, was not a natural impulse, but rather a behavior preached to women and internalized into their value system in order to ensure their devotion to the well-being of their children. The basic inclination of women, according to Badinter, was to attend to their own affairs and let their young ones survive the best they could without their mothers' help, care, or love.[357] In other words, it was the neglect by their mothers that led to the children's deaths in such great numbers, and not the other way around.

However, there is more to the picture than Aries and Badinter note. Children did matter to the Jews of sixteenth-century Istanbul, and they were very important. Overall, they were an asset and not a burden; they constituted the future of the family and of the Jewish nation. This perspective was manifested in the pressure to procreate, in the private and communal investment in the education of males, in the efforts to insure the socioeconomic future of children, and in the grief of parents who lost children. The grief was expressed by parents in all segments of society through their investment in the burial of their children. Every stone required a financial outlay—and the older a child was, the more was invested in his tombstone. Parents spent the money to have a stone brought from miles away to mark the burial place of their little one, even though they knew that this loss might not be their last.[358]

Making of the Modern Family (London: William Collins, 1976); L. Stone, *The Family, Sex and Marriage in England 1500–1800* (London: Weidenfeld and Nicolson, 1977); M. Tucker, "The Child as Beginning and End: Fifteenth and Sixteenth Century English Childhood," in L. de Mause, ed., *The History of Childhood* (London: Souvenir Press, 1976), 229–58; L. de Mause, "The Evolution of Childhood," in ibid., 1–74; R. Thompson, *Women in Stuart England and America* (London: Routledge and Kegan Paul, 1974); M. Hoyles, *Changing Childhood* (London: Writers and Readers Publishing Cooperative, 1979). For a detailed survey of the above and others, see L.A. Pollock, *Forgotten Children Parent-Child Relations from 1500 to 1900* (Cambridge: Cambridge University Press, 1983), 1–32.

355 Aries, *L'enfant*, 462–63.

356 Hoyles, *Changing Childhood*, 3; Shorter, *Modern Family*, 265.

357 E. Badinter, *L'amour en plus—Histoire d'amour maternel* (xviie–xxe siècles) (Paris: Flammarion, 1981).

358 M. Rozen, *Haskoy Cemetery—Typology of Stones* (Tel Aviv: Tel Aviv University and the University of Pennsylvania, 1994), photo 1, p. 14, photos 45–46, p. 37, photo 57, p. 41 and more. Of 185 readable stones at Hasköy cemetery, dated 1582–1600, 16.2

Thus, a distinct concept of childhood existed in Istanbul's Jewish society. Childhood lasted from birth until the age of six, which marked the beginning of a period of socialization for both boys and girls. Unlike the Christian world, Jewish society everywhere operated an educational system for males; the period between the age of six and adulthood was defined by a boy's schooling, and he was called a student (*talmid*). For a female, the same period of time was used to socialize her to carry out her future duties in society; she was no longer a child (*yaldah*), but a girl (*na'arah*).[359] What was missing was not childhood, but adolescence. Girls barely reached puberty before they were married. Boys sometimes had a year or two after their *bar-miẓvah* before they got married, and sometimes even more than that, but in general they married between the ages of 13 and 15.[360] The short lifespan dictated this order, but not in the way Aries understood it.

The supposedly unmotherlike behavior of young widows should be evaluated in light of the status of women in Istanbul society. The woman was a tool in the service of a male-dominated society, and there was no social justification for the existence of a widow who did not remarry during her years of fertility. A young widow had to seek a new marriage which would confirm her social status and provide her with economic security (unless she had inherited great wealth, in which case potential grooms would approach her and she could choose whether to

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percent were stones of children (females aged 0–11; males aged 0–13) (*TAU Documentation Project, Turkey*). Bereavement over children was not limited to Jewish society. A. Giladi shows that although their graves were not marked by tombstones, children in medieval Muslim societies in the Middle East were mourned by their families in a way which attests to the strong emotional ties (A. Giladi, "Infants, Children, and Death in Medieval Muslim Society: Some Preliminary Observations," in *The Journal of the Society for the Social History of Medicine* 3 (1990): 360–67; idem, 'The child was small...not so the grief for him': "Sources, Structure, and Content of al-Sakhawi's Consolation Treatise for Bereaved Parents," *Poetics Today* 14 (1993): 367-85.

359 Rozen, "Life Cycle."

360 It is of great interest to compare the findings on the life cycle of Istanbuli Jews during the sixteenth and seventeenth centuries, based on the data from the cemeteries, with those of the sedentary Turkish-speaking Muslim litigants in the shari'a court of Aintab (Gazi Antep on the border between southeastern Anatolia and northern Syria) in the same period (L.P. Peirce, "Seniority, Sexuality, and Social Order: The Vocabulary of Gender in Early Modern Society," in M.C. Zilfi, ed., *Women in the Ottoman Empire Middle Eastern Women in the Early Modern Era* [Leiden: Brill, 1997], 169–96). In the shari'a records Peirce studied, the threshold between the ages of six and twelve–thirteen does not exist. It is after puberty that the life cycle is defined in greater detail, differentiating between sexual maturity and full integration in adult society. On the other hand, research on seventeenth century legal literature from Palestine and Syria by J. Tucker reveals a picture close to the Jewish-Istanbuli one (*In the House of the Law*, 115-23).

remarry). In this situation her children were a liability to her, not an asset, which would explain her behavior towards them; her sons would still be an asset to her late husband's family, who would care for them in her place.

Families in which both parents survived to see their offspring grow up invested love, care, time and money in them. Fathers made every effort to ensure that their children of both sexes would have a comfortable life after marriage. A daughter's dowry was a financial burden, but it helped identify the family as a "good family" and thus strengthened its position during matchmaking for its sons. Mothers[361] and grandmothers[362] provided girls with everything they could to give them a good start, and boys consulted their mothers about an aspired match.[363]

The documentation for the present study derives almost exclusively from Istanbul, and its chronological scope is limited mostly to the years 1453–1566. For certain subjects such as everyday life, I used sources from as late as the 1580s as well, since these areas change slowly. Since it is not a *long durée* study, the documentation on parent-child relationships, status of the child in the family, and the emotional aspect of these relations is scattered and uneven. Nevertheless, the material allows us to conclude that the evolutionary theory is a better explanation for the behavior of Jewish Istanbuli society than is Aries's theory.

Evolutionary theory suggests that living beings invest maximum effort in producing and rearing offspring to ensure genetic representation in the next generation. The urge to leave a genetic imprint for posterity is considered as strong as the impulses to breath, eat and drink. The theory also suggests that living creatures employ two basic strategies to ensure the survival of their offspring.

Where there is a high rate of mortality among their young due to forces beyond their control, their strategy is to produce a large number of offspring in the hope that some of them will survive. However, this strategy limits the amount of attention, time and energy the parents can give their children. On the other hand, when parents have a chance to achieve (even with great effort) some control over the forces endangering their offspring, their stragegy is to produce fewer offspring and invest a great deal of time and energy into ensuring their survival. Ethological and sociological research show that primates and humans

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361 Cf. Ibn Lev, *Responsa*, vol. 4 (Benei Beraq, 1988), 67:205. "There is place to say 'It can be said that it is a mother's way to give everything she has to her daughter.'"

362 See above, p. 130, ref. 125.

363 Compare with Lamdan, *A Separate People*, 69–83. (In the English edition, pp. 78–96.)

normally choose the second strategy; thus, parental care is a behavior dictated by an internal imprinted code.[364]

However, not all aspects of Istanbuli society conformed to this pattern. The reason is simple; evolutionary theory works very well for animals—but for humans, the cultural aspect must be taken into account. When using this theory to understand the behavior patterns of Istanbuli Jews in the sixteenth century, it is necessary to give considerable weight to the three elements that molded their culture: the place, the time and the identity and historical memory of the people.

The chosen parental strategy was an interesting combination of the two options presented above. Plague and endemic diseases, which played the role that predators play in the animal world, were hardly controllable factors. Given a patriarchal society in which family and community networks played an important role, entire sectors of Jewish society were induced to adopt the quantitative strategy. Parents also used the other strategy; emotional and material investment in children was a central factor in family life, in the spirit of the Hebrew saying: "More than the calf wants to suck, the cow wants to suckle."

This was the pattern of parental behavior when both parents were alive. If a marriage was terminated for any reason, either by the death of one parent or by divorce, the investment in their offspring would most likely decrease in favor of children produced with new partners. This was sometimes mitigated by measures taken by the father before he passed away, or by the extended family after his death. Isn't this the way such matters are dealt with in any other human society?

Slaves and Servants in the Jewish Household

The sixteenth-century upper-middle class Jewish household included slaves and servants who did all the physical work while the wife supervised.[365] Slaves were bought at the *Esir Pazarı* or other centers of slave

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364 D. Barash, *Sociobiology and Behavior* (New York: Elsvier, 1977); W.D. Hamilton, "The Genetical Evolution of Social Behaviour I," *Journal of Theoretical Biology* 7 (1964): 1–16; idem, "The Genetical Evolution of Social Behaviour II," 7 (1964): 17–52; D. Lack, *The Natural Regulation of Animal Numbers* (Oxford: Oxford University Press, 1954); R. Trivers, "Parent-Offspring Conflict," *American Zoologist* 14 (1974): 249–64; E. Wilson, *Sociobiology* (Cambridge MA: Belknap Press, 1975); Pollock, *Forgotten Children*, especially pp. 34–43 for bibliography of Aries's critics; Lamdan, *A Separate People*, 69–83. (In the English edition, pp. 78–96.)

365 HaLevi, *Responsa, Zeqan Aharon*, 111:69a, 142:79a; Mizrahi, *Responsa*, 25:74, 26:76.

trade. Especially in the 1550s, families of Marrano origin started arriving in Istanbul with slaves bought in Spain, Portugal and the Low Countries, who had originally been imported from Africa, the West Indies, etc.[366] Most of the slaves bought in Istanbul were of Circassian, Slav or Hungarian origin; some were Greek, Italian or Spanish.[367]

In general, female slaves were very cheap while males were very expensive. This was due partly to their supply: in wartime, males usually were killed and females were captured, so female slaves outnumbered male slaves. In addition, the value of male slaves was inhanced by their ability to do income-producing work, while female slaves were used mainly for household chores.[368] Female slaves and servants were also used as wet nurses and nannies,[369] and sometimes as bedmates for the men of the household.[370]

Many female slaves eventually converted to Judaism, were formally freed, and continued to serve the same families. The usual emancipation process was for a slave to sign a contract saying that she owed a certain sum of money for her freedom and that she committed herself to serving the family for a certain (not short) period in order to pay that amount.[371] Some slaves were freed after having borne children sired by the master of the house.[372] Tombstones of emancipated female slaves from the seventeenth and eighteenth centuries can be seen in Hasköy cemetery bearing the inscription "X, daughter of Abraham the Patriarch, from the household of Y."[373] Others were freed to marry; these were

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366 See p. 210 below.

367 A.G. Solalinde, ed., *Viaje de Turquia* (Madrid, 1956), 237.

368 Guillaume Postel, *De la République des Turcs* (Poitiers, 1552), 34.

369 Almosnino, *History of the Ottoman Kings*, 28–29.

370 Bassan, *Responsa*, 34:22b; 109:75a.

371 For an example of the emancipation process in sixteenth-century Jerusalem, see A. Cohen and E. Simon-Pikali, *Jews in the Moslem Religious Court: Society, Economy and Communal Organization in the XVIth Century, Documents from Jerusalem* (in Hebrew) (Jerusalem: Ben-Zvi Institute, 1993), 392. It is very likely that the same pattern was in effect elsewhere. For a Hebrew bill of emancipation of a converted female slave from Istanbul (1622), see *Tiqun Sofrim*, National and University Library in Jerusalem, Heb. Ms. 8°958, 53a–54a. For the bill of emancipation made by Mosheh Almosnino for his female slave, Luna, see ibid., 52b–53a. These bills were absolute and unconditional.

372 HaLevi, *Responsa, Zeqan Aharon*, 82:56b–57a; Bassan, *Responsa*, 11:5b, 34:22a.

373 The most ancient stone is that of Le'ah, wife of Yiẓḥaq Hamon, who died at the beginning of the seventeenth century. The exact date of her death is not mentioned on the stone. The family is the famous family of doctors whose palace stood in the neighborhood of Hasköy (*TAU Documentation Project*) (t.s. 76MA, lot 6–3–OB, film 562, 18 Jan. 1989). The others are: ibid., Sarah, daughter of Abraham the Patriarch and wife of Avraham Sovrado (d. 18 Mar. 1659, t.s. 8L, lot 5–4, film 31, 10 Sept. 1987);

usually Jewish male servants. A common match was that of an emancipated slave and a bastard (a child born to a married woman from someone who was not her husband).[374]

Some female slaves married the men who bought them.[375] The fate of others was not as good; having been bought as bedmates, they were resold when their purchasers grew tired of them.[376] Servants who bore children to the master of the house sometimes were kicked out with the unwanted baby.[377]

Since their numbers were much lower, the lives of male servants and slaves in Jewish households of Istanbul are less documented than those of female slaves. There is little evidence of the relations that male servants had with their mistresses or the daughters of the master of the house. However, Rabbi Eliyahu Mizraḥi recorded two cases which illustrate that the constant presence of men who belonged to the household but not to the formal family could create problematic situations. In the first case, the mistress took advantage of her husband's afternoon nap to make love with one of their non-Jewish servants, without considering that her husband was a very light sleeper.[378] Since the husband did not actually see more than certain expressions of intimacy between the two, Rabbi Mizraḥi decided that this was not enough to establish that the wife had committed adultery; consequently, he allowed her to

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Sarah, daughter of Abraham the Patriarch, who died most probably before the age of twelve, since she was defined as a "girl" and was not yet married (d. 17 Dec. 1732, t.s. 136MA, lot 5–11, film 68*, 9 Nov. 1988); Rivqah, daughter of Abraham the Patriarch, from the house of Ya'aqov Finzakh [?], the widow of Shelomoh Ashkenazi (d. 19 Oct. 1738, t.s. 122MA, lot 5–11, film 67*, 9 Nov. 1988); Rahel, daughter of Abraham the Patriarch from the house of Hayim Jorado (d. 28 Sept. 1734, t.s. 149, lot 5–11, film 125, 16 Sept. 1988); and Sarah, daughter of Abraham the Patriarch and wife of Avrahm Ibn Paran (d. 8 June 1735, t.s. 25, lot 1–2, film 121, 15 Sept. 1988). The small number of stones of such women might indicate that not many of these slaves actually ended their lives in a Jewish family. Another possibility is that since slave origin was not considered something to be proud of, some families preferred not to mention the fact on the gravestone. In any case, the absence of such stones from the sixteenth century results not only from the rarity of the phenomenon but also from the small number of stones which remain from that period.

374 See, for example, the stone of Rivqah, who was emancipated and married a man (Shelomoh Ashkenazi) who might have been one of her master's protégés (*TAU Documentation Project*) (t.s. 122 MA, lot 5–11, film 67*); Ẓonẓin, *Responsa*, *Nahalah li-Yhoshu'a*, 11:11a (doc. 18 below).

375 See ref. 373 above.

376 Pierre Belon, *Les Observations de plusieurs singularitez et choses mémorables trouvées en Grèce, Asie, Judée, Egypte, Arabie, etc* (Paris, 1555), 181a.

377 Bassan, *Responsa*, 97:66b.

378 Mizraḥi, *Responsa*, 25:74.

continue to live with her husband. Although what the husband saw was unmistakable, the fact that he was willing to take back his wife after shaming her probably means that he had informed the rabbi of his wish to do so.

The second case, referred to earlier in this chapter, is more complicated and interesting. It reflects not only the social problems created by the presence of slaves and servants in the household, but also the use of marriage as a tool for social mobility and society's efforts to bar this option. A Jewish servant fell in love with the daughter of the family. One evening he came home escorted by two of his friends, whom he instructed to hide behind the fence and serve as witnesses. When the girl opened the door, he handed her a bouquet of roses. She said to him "These roses are as [beautiful as] your face," and he answered that he had brought her the roses for her *qidushin*.

The girl was very amused, but in light of the serious attitude of Istanbuli Jews to *qidushin*, Rabbi Eliyahu Mizraḥi was asked whether she needed a divorce. He answered that since the girl did not see the witnesses, she surely did not consider herself to be accepting the flowers as *qidushin*, but only enjoyed flirting with the man. He said that the event was a villainy of the first degree, and that the congregations in Istanbul should excommunicate whoever tried to give *qidushin* to a woman in the presence of fewer than ten witnesses.[379]

It was obvious that although the man was legally fit and able to marry the girl, he was an undesirable and inconceivable match for her because of his social class—but if things had gone farther (for example, if she had become pregnant), their marriage would have been ratified, although with great misgivings. In the case of the married woman and the non-Jewish servant, however, marriage would not have been possible if the woman had been found guilty of adultery (not even if the servant had been Jewish), because, according to Jewish law, she would have been declared forbidden to both her husband and the servant. For a married woman who became involved with a slave or a servant, there was no solution such as those available to men. This is another reason why there are fewer recorded cases of married women in this situation than there are of masters sharing their beds with female servants or slaves.

According to a census conducted by the Ottoman authorities in 1559, there were thirty-two slaves and fifty-one emancipated female slaves in

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[379] Ibid., 26:76.

the Jewish households of Istanbul. Gerber, who published this document in Hebrew, regards it as proof of the paucity of slaves in Jewish households.[380] However, the number and nature of rabbinical discussions on this issue do not allow us to make this conclusion. Cases in the responsa literature reflect only those incidents in which the intervention of a legal authority was needed; they do not reveal the broad scope of everyday, undocumented life. Thus, their number reflects a social characteristic which is much wider than what Gerber suggests.

The Ottoman census was conducted to force non-Muslims to sell their slaves to Muslims. Those who decided to keep their slaves found ways to do so, and avoided the census; hence, the numbers were actually higher than the survey indicates. The fact that later on the Jews paid a special tax for the right to own slaves also shows that reality differed from the letter of Ottoman Law.[381] In short, slaves and servants, especially female slaves, were an integral part of Jewish upper class families, and often of upper middle class families as well.

SUMMARY

The forces that shaped the Jewish family in Istanbul in the second half of the fifteenth century and the first half of the sixteenth century included the realities of Ottoman urban life (crowded living conditions, poor public sanitation, endemic diseases); the traumatic breakup of the Spanish Jewish family; and longstanding traditions of the Mediterra-

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380 Gerber, *Economic and Social Life*, 14–16.

381 Gerber, *Economic and Social Life*, 82–83, 102–103, 120. For the first two documents cited by Gerber, 82–83, see the Turkish original in Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 65–67. It should be noted that doc. 2 in Gerber (p. 82) ordering the registration of slaves owned by non-Muslims, was dated by him as 25 Safer 967, which he correctly converted to November 26, 1559, while Refik (p. 65) converted the date on the same document erroneously to 1569. In the *BBA, Muhimme*, vol. 3, no. 525, p. 189, which is the original, the date appears as 21 Safer 967, equivalent to November 22, 1559. In vol. 3, no. 684, p. 239, there is an unfinished entry dated 10 Rebiülevvel 976 (December 10, 1559), which prohibited the transferring and trading of slaves, either male or female, by non-Muslims. Doc. 3 in Gerber, pp. 82–83 (Refik, p. 66), which orders the sale to Muslims of all slaves owned by non-Muslims, is dated 2 Cemaziyülevvel 967, converted by both to January 30, 1560. All of these orders were sent to the *kadı* of Istanbul. *BBA Muhimme* vol. 3, no. 744, p. 257, documents a similar order to the *kadı* of Galata regarding slaves owned by Jewish and Christian subjects of the sultan and those owned by Christians who were subjects of rulers from Catholic states of Europe (*Fırenk*), dated 2 Rebiülahir 967 (December 31, 1559). These slaves were also to be sold to Muslims.

nean society and family. Preservation of the male line from one generation to another was the traditional goal of the family; this, in turn, determined the status of women and the norms of matchmaking and marriage, inheritance and division of property, child custody, and so forth. Legislation on these matters maintained this tradition in Istanbul; in most cases it tended to favor the male and the male branch of the family.

The allegiances and strong connections between the links in the chain of the male dynasty, combined with the realities of Ottoman urban life, led the Jewish society of Istanbul to choose the option of marriage at a young age, often within the family, and the procreation of as many children as possible in order to ensure the continuation of the line. The fortunate family included two parents, married children, grandchildren, and even servants and slaves. However, such a family unit was not very common, precisely because of the factors that produced the urban reality described above.

CHAPTER NINE

SOCIAL STRATIFICATION: WEALTH AND POVERTY

The three main criteria of social status in Jewish Istanbul in the fifteenth and sixteenth centuries were, in order of importance, connections at the Ottoman court, wealth, and pedigree. Jewish-Istanbuli society combined values that originated in Spain with the conditions and social atmosphere of Istanbul—a vast, multinational capital city whose government and values followed the patterns of previous Central Asian and eastern Mediterranean cultures.

JEWISH COURTIERS: THE RELATIONSHIP BETWEEN POWER AND WEALTH

Unlike Christian Europe, the Ottoman state had no formal hereditary nobility and no tradition of a free city in which citizens have a sense of self-government. The head of the Ottoman state was also the head of the religious hierarchy. Some of his most important servants—the grand vizier, his *kaymakam* (substitute) and the *bostancıbaşı* (chief imperial gardener and person in charge of municipal security)—were simultaneously his *kuls* and the central functionaries in charge of the management of the capital. The *kul* was, in essence, the sultan's slave, brought up to serve the state in the highest offices. He shared many of the disadvantages of slavery, but not all of them.[1] An important feature of his status was the assumption that his allegiance to the sultan was total. The fact that the grand vizier was simultaneously the highest official in the state, the sultan's slave, and personally responsible for the functioning of the capital, conveys very clearly the nature of the Ottoman world and its capital.[2]

In an absolute and centralist government such as the one in the Ottoman state, a person's chances of acquiring power and money were

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[1] On the *kul* see H. Inalcik, The Ottoman Empire, 65, 77, 84.

[2] On the concept of the Turkish-Muslim city and the management of the capital, see D. Kuban, *Istanbul—An Urban History Byzantion, Constantinopolis, Istanbul* (Istanbul: The Economic and Social History Foundation of Turkey, 1996), 203–205; in the seventeenth century, see R. Mantran, *Istanbul dans la seconde moitié du XVIIe siècle* (Paris: Librairie Adrien Maisonneuve, 1962), 123–77.

proportional to his proximity to the sultan. This is, of course, the case in every kind of political regime; the best place to accumulate power of all sorts is near the source, be it a king, an emperor, a duke, a tyrant, a president, a prime-minister, or the general secretary of the party. Still, the fact is that the more autocratic the regime, the more this holds true. A deeper understanding of this social axiom can be gained by observing the Ottoman views on the difference between in and out, the private and the public.

Social status was measured by the extent to which someone could protect his privacy and put a visual barrier between himself and others. The less accessible a person was, the mightier he was considered. In the Ottoman capital, in (*iç*) and out (*diş*) served as the equivalent of the Western notion of up and down. Leslie Peirce has formulated this idea as follows: "The degree of seclusion from the common gaze served as an index of the status of the man as well as the woman of means."[3] Moreover, the idea of in and out referred not only to the division between what was private and what was public; it also incorporated the distance between a person and the basic source of power—the sovereign. It is no coincidence that the Ottoman provinces outside Istanbul were referred to as *taşra-dişarî* (out), and the term *iç*, or its Persian equivalent *enderun* (in), referred to anything which had to do with the sultan and his affairs.[4] The more in a person was, the better his position.

Istanbul was the heart of the empire, the sultan's palace was the heart of Istanbul, and all roads led to the sultan. His closest servants had the best chance of accumulating power and wealth; the second-best chance belonged to people who served these high officials. Those who rendered indirect services to the court—importers of luxury merchandise from abroad and manufacturers of luxury products—were also in favorable positions; however, they had to work much harder and it took them longer to acquire wealth. The lives of the rest of the population were very difficult. Far removed from opportunities for making a great fortune, in a city with the highest cost of living in the empire, their chances were not good.

Rabbi Mosheh Almosnino left us a vivid description of the daily life of Jewish Istanbul in the first year of the reign of Selim II. During the Muslim holidays, when he could not pursue his business at the sultan's

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[3] Peirce, *The Imperial Harem*, 8.

[4] B. Lewis, *The Political Language of Islam* (Chicago: University of Chicago Press, 1988), 11–13, 22–23; Peirce, *The Imperial Harem*, 9.

palace, Almosnino amused himself by writing his impressions of the Ottoman capital. He saw a city of opposites—courtiers and fabulously rich international merchants side by side with the destitute. Some become rich overnight and others become poor in the twinkling of an eye. Money and power depended on having links to the sultan and his officials, but the links could be precarious and hazardous. Someone could be rich and powerful, with everyone respecting his wisdom and his word—and the next day he could be out of grace, with nobody caring what he said.[5]

Thus, the highest echelons of Jewish society in Istanbul had always been those who managed to gain access to the circle nearest the sultan—his officials and his family members—as well as to the sultan himself. Delving into the details of the careers of these courtiers shows the accuracy of Almosnino's depiction of their status. Except for rare dynasties, their might was temporary and always precarious. If they wished, they could exercise enormous power within Jewish society, but this kind of power was not absolute and had very clear limitations.

All forms of involvement in court life were restricted to men. The imperial harem was a whole world unto its own, exclusively female (if one does not count the eunuchs), and parallel to the male world in its social, political, and economic activity.[6] Access to the imperial harem of people from outside the palace was limited to women; entry to this locus of influence on the source of authority could also be a source of power and money that could have an effect the male world.[7]

The question arises: did access to the source of power generate money—or did money make a person favored at court, thus enabling him to exercise power over his fellow Jews? The Romaniot sürgün who settled in the city in 1453 brought capital that could be put to use immediately to serve the needs of the Ottoman court, so a hereditary and ongoing tradition of social status must have existed in Istanbul. At the same time, the new conditions elevated to unexpected power people who otherwise might have remained provincial communal leaders or businessmen.

Wealth was always an important determinant of social status among the Iberian Jews as well, both on the Iberian Peninsula and in the Iberian Diaspora. On the peninsula, wealth was almost always accompa-

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5 Almosnino, *History of the Ottoman Kings*, 182–85.

6 On the imperial harem in this period, see Peirce, *The Imperial Harem*, 28–91, 113–52.

7 See below, pp. 204–207.

nied by a pedigree and close relations with the local royal courts. Emigration from the peninsula, however, gave a great many people from humble origins an opportunity to improve their standing. Since almost all those who came immediately after the expulsion arrived with nothing but their ragged clothing, they all started over from the same point financially, and had similar opportunities. The first arrivals naturally included people who excelled because of their personal qualities, including expertise and the experience they had gained in the old country, that were very helpful in getting a foothold at the Threshold of Felicity (as the sultan's palace was often called). On the other hand, the immigrants who came from Portugal later on brought with them large amounts of capital; for them, it was this capital that generated accessibility to the court and produced augmented power, not the other way around.

A look at the gallery of personalities below, some of whom have been introduced in other contexts, lends credence to the above observations. If the tales Rabbi Eliyahu Capsali tells us about the prominence of his famous relative, Rabbi Mosheh Capsali, contain a grain of truth beneath their layers of exaggerations and flowery descriptions, Mosheh possessed certain of the characteristics of a courtier. He could enter the palace without hindrance, and he was able to use his formal position to govern the Jewish community and resolve situations that might endanger its members.[8]

As with other courtiers, Capsali's right of entry to the court was based on his service to the state—in his case, as the representative of the Jewish community. The Ottomans recognized him as the formal head of the community; he recognized the sultan's superiority over him and his flock and his faith. In exchange he gained a new kind of power among the members of the community: it was backed by the state, not by the authority of the Torah. Mosheh Capsali did not object to having power, but the real meaning of his new status was well understood by his generation. He believed that if he took nothing from the sultan he would be powerful on the basis of his own merit, which must have been why Eliyahu Capsali stated that Mosheh rejected all the trappings of the office. But this was an illusion; the truth lay somewhere in between—midway between his own personal charisma and the authority with which he was entrusted by the sultan.[9]

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8 Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 81–85.

9 See above, pp. 66–74.

Not until four centuries later, during the tenure of Rabbi Ḥayim Naḥum Efendi, the last hahambaşı (1909–1920) of the empire, did a religious leader enjoy as powerful a status as did Mosheh Capsali. Like Capsali, Ḥayim Naḥum had free access to the corridors of government that derived from a combination of an external source of power and personal charisma.[10] However, it must be remembered that Capsali was not a professional courtier. Unlike other courtiers, he had to keep a certain amount of distance from the court in order to retain his spiritual and moral leverage with his flock; he did not make a large fortune from his connections; and he did not use his status to acquire privileges for his children. Capsali was certainly not the only powerful person who derived his power from the Sublime Porte at that time.[11] Moreover, the power and ambitions of others who had access to the court sometimes endangered his position as leader of the Jewish community.[12]

The classic courtiers did not acquire their power only through submission to the sultan; they rendered real services, either professional or financial, to the court. Physicians, in particular, were in an excellent position to attain power. Being the sultan's personal physician gave a person a unique intimacy with the ruler that gained his confidence. Jewish court doctors used their professional status to acquire power and leverage throughout the period. One courtier during Capsali's tenure was a Jew of Italian origin, Jacopo Gaeta, known as Hekim Yakub.

Hekim Yakub's connections with the court preceded the conquest of Constantinople; he had been Sultan Murad II's physician, and served his son, Mehmed II, until his own death in 1481. He excelled not only as a doctor, but also as a financial adviser, translator and general consultant. In addition, he seems to have been a companion to the sultan on every military campaign.[13] He maintained close connections with Italian diplomats in Istanbul, and his name is mentioned repeatedly in the

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10 On Hayim Nahum Efendi, see especially E Benbassa, *Une diaspora sepharade en transition Istanbul XIXe–XXe siècles* (Paris: Editions Cerf, 1993).

11 Capsali, *Seder Eliyahu Zuta,* 85, 91–93, and see below.

12 See below, p. 203.

13 On Hekim Yakub, see F. Babinger, "Ja'qub Pascha, ein Leibarzt Mehmed's II," *Rivista degli studi orientali* 26 (1951): 82–113; B. Lewis, "The Privilege Granted by Mehmed II to his Physician," in *Studies in Classical Ottoman Islam* (London: Variorum Reprints, 1976) 13: 550–63 (first published in *BSOAS* 14 [1952]: 551–63); idem, "On a Historical Document in the Responsa of Rabbi Shemuel de Medina" (in Hebrew), *Melila*; E. Birenboim, "Hekim Yakub—Mehmed the Conqueror's Physician" (in Hebrew), in *Ha-Rofe ha-'Ivri* 1 (1961): 108–34. For the responsum describing the tax exemption given to him by Mehmed II, a document which was discussed by both Lewis and Birenboim, see Medina, *Responsa, Ḥoshen Mishpat,* 364:59b–61b.

Venetian Archives as having been involved in plots to kill the sultan. Although we have no evidence that the Ottoman court authorized him to carry on contacts with the Venetians, it seems very unlikely that the Ottomans were unaware of these activities. The absence of such authorization could mean that he was a double agent, as some have suggested.[14] Others suggest that since matters which the Ottomans wished to keep secret were never mentioned in their documentation, it is possible that his negotiations with Venetian figures, being extremely dangerous, were actually a decoy planned by the Ottomans themselves.[15]

After Mehmed II assumed office he appointed Hekim Yakub as defterdar, the high official in charge of the treasury. Hekim Yakub gained many enemies because of his success, the wealth he accumulated, and his original ideas in matters of medicine and especially financial matters. The fact that he was a *zimmi* and had appointed several Jews to offices deemed unfit for non-Muslims became a source of resentment in Muslim society. Eventually, Hekim Yakub converted to Islam and was appointed vizier. Some of his sons remained within the Jewish fold and enjoyed the privilege he received from Mehmed II, which exempted him and his descendants from all taxes and forced labor. Other children, possibly from another marriage after his conversion, became part of Istanbul's Muslim society and are mentioned in 1489–1490.[16]

Neither the exact date of Hekim Yakub's conversion nor the date and circumstances of his death are clear. Both Bernard Lewis and Eli'ezer Birenboim think his conversion took place at an advanced age. This means that the longest and most important part of his career took place when he was still a Jew. Why would a person like Hekim Yakub convert? What more could he hope to achieve? Was the rank of vizier such a temptation at this stage of his life? His close relationship with Mehmed II could have generated great pressure from the sultan for him to convert, perhaps backed by implied threats. Or perhaps his conversion was part of an arrangement that enabled his descendants, who remained Jewish, to enjoy part of his accumulated wealth—which could easily have been confiscated after his death if he persisted in his Judaism.[17]

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14 Birenboim, "Hekim Yakub," 122.

15 Lewis, "The Privilege," 563.

16 M.T. Gökbilgin, *XV–XVI Asırlarda Edırne ve-Paşa Lıvası* (Istanbul, 1952), 305.

17 Lewis, "The Privilege," 562; Birenboim, "Hekim Yakub," 133–34. Compare also with Levy, *The Sephardım,* 30–31. Compare with the information on Yosef Hamon's relations with Sultan Selim I, below pp. 208, 279.

His career was unique: although he was a *zimmi*, he actually exercised power over Muslims.

At the end of Hekim Yakub's career in the early 1480s, another Jewish doctor appeared at the Ottoman court: Rabbi Efraim ben Nisim Ibn Sanchi (or, as usually written in Hebrew, Ibn Shanji). He was said to have been the physician of King Alfonso V of Portugal; forced to leave, he arrived in Istanbul no later than 1481, where he also became a court physician. His career illustrates at least two characteristics of Jewish physicians in the Ottoman court: he supposedly served in a European court, and his son, Avraham, also became a court physician.[18]

We have no evidence that Hekim Yakub or Efraim Ibn Sanchi had any interest in the internal politics of the Jewish community, or that they attempted to exercise their influence and power within the community—but other courtiers were very much involved in communal matters. Yesha'ayu Misini was a very different kind of courtier. He was not a physician but a businessman connected with the Ottoman court, and was active during the last decades of Capsali's life. Since he had scholarly pretensions, he soon disputed Capsali's authority and tried to use the power derived from his wealth and court connections to show who really had the last word in the community.[19]

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[18] On Efraim Ibn Sanchi and his son Avraham, see Eli'ezer ben Nisim Ibn Shanji, *Sefer Dat va-Din* (Istanbul, 1726), intro.; Hacker, "Letters," 86 and the relevant refs on that page; M.M. Weinstein, "The Correspondence of Dr. Abraham Ibn Sanchi," *Studies in Bibliography and Booklore* 20 (Washington DC, 1998), 145–76. The Ibn Shanjis were a renowned dynasty of physicians in Istanbul. Tombstones in Hasköy cemetery bear references to six other physicians from this same family (*TAU Documentation Project*): tombstone of Mevorekhet, wife of physician Yisrael Ibn Shanji (d. 8 Oct. 1665, t.s. 177, lot 8–6, film 440, 27 Dec. 1988); tombstone of Lidisiah, daughter of physician Nisim Ibn Shanji (d. 3 Oct 1692, t.s. 137, lot 9–12, film 165, 12 Dec. 1988); tombstone of Yosef, son of physician Mosheh Ibn Shanji (d. 1 Aug. 1687, t.s. 18, lot 3–11, film 337, 25 Oct. 1988; 593, 8 Mar. 1989); tombstone of Nisim, son of physician Mosheh Ibn Shanji d. 6 Feb. 1735, t.s. 166, lot 166, film 125, 28 Nov. 1988; 126, 28 Nov. 1988; tombstone of the wife of physician Mosheh Ibn Shanji (d. 1712, t.s. 44, lot 3–11, film 34, 25 Oct. 1988); tombstone of Rahel, daughter of physician Shemu'el Ibn Shanji (d. 10 Sept. 1751, t.s. 149, lot 2–7, film 118, 15 Sept. 1988; 617, 16 Mar 1989); tombstone of Zinbul, wife of the physician Ya'aqov Ibn Shanji (ca. 1750, t.s 7ma, lot 6–1, film 2, 8 Aug. 1988).

[19] On Yesha'ayah Misini, see Hacker, "Letters," 72–73 and cf. Mizrahi, *Responsa,* 57:176 (doc. 13 below); Beghi, *Igeret Qiryah Ne'emanah,* 313–14. On Misini's status in Mehmed II's court, see Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta,* vol. 1, 120. His name indicates that his origin could have originated from Messina in Sicily, or from Misinli in Thrace, but it does not necessarily identify the congregation of Messina with one town or the other. However, even if his origins were in Sicily, he was well assimilated in the Romaniot group (cf. above, p. 78, ref. 56, and pp. 72–73).

Another businessman who became very active in the Ottoman court in the first decades of the sixteenth century was the famous Sha'altiel, who served as the *kahya* of the Jewish community. He was well connected at court, and this gave him power over the Jewish community. From the Ottomans' point of view, his task was to make sure that the Jews lived up to their financial obligations to the state. From the Jewish community's point of view, his task was to get its members the best possible arrangements with the Ottoman financial administration. He accumulated a great deal of power that made him indispensable to the community and gave him extensive authority over it.[20]

At the same time that the *kahya* Sha'altiel went about the court attempting to obtain confirmation of the tax accounts presented by the Jewish congregations and Jewish *multezim*s (i.e.,, during the reign of Selim I), a Karaite woman named Strongilah, daughter of Eliyah Gibor, was active in the harem. She rendered various services to the ladies at the harem and became very close to Hafsa Sultan, Sultan Suleyman's mother.[21] Strongilah was also called Kira or Kiera, which was undoubtedly a nickname or title—most probably derived from the Greek *kira* (lady), since several other women who fulfilled similar functions in the harem were also known by the same name. Apparently, the title became the name of the function.[22]

The services Strongilah and others like her performed for the women of the harem were described vividly by Robert Withers in the seventeenth century. These included supplying cosmetics and medicines, and acting as agents for those who wished to sell the precious stones given to them by the sultan.[23] Eventually, particularly at the end of the six-

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[20] See above, pp. 74–76. For a possible identification of Sha'altiel, see Weinstein, "Correspondence," 150–51. If the identification is correct, according to his letter even a court physician like Avraham Ibn Shanji was dependent on Sha'altiel's good will.

[21] On Hafsa Sultan, and her status at the harem and in Ottoman politics, see Peirce, *The Imperial Harem*, 18, 40, 59, 121, 126, 62–63, 78–79, 230, 277.

[22] The name Qirah (transliterated from the Hebrew) as a private name of a woman appears on the tombstone of a certain Qirah, daughter of Eliyau Hilel, wife of Eliyahu Ẓadik, who died around the mid-eighteenth century in childbirth at the age of sixteen, and is buried in the Karaite cemetery of Hasköy (*TAU Documentation Project, Haskoy Karaite Cemetery* [t.s. 4, lot 14–4, film 105, 8 Nov. 1989]). On the etymological problems and various explanations of the name, see Galante, "Esther Kyra d'après de nouveaux documents," in idem, *Histoire des juifs de Turquie*, vol. 9, 16–18; Rozanes, *History*, vol. 3, 364; J.H. Mordtmann, "Die judischen Kira im Serai der Sultane," *Miteillungen des Seminars fur orientalischen Sprachen zu Berlin*, 32/II (1929): 1–38.

[23] Robert Withers, "The Grand Signiors Seraglio," in S. Purchas, *His Pilgrims* (Glasgow, 1905), vol. 9, 346–47. Cited also by Roth, *Doña Gracia*, 104.

teenth century, they became agents for the harem in all dealings with the outside world, such as with people aspiring to imperial appointments and foreign diplomats pursuing the interests of their countries.[24]

When Suleyman the Magnificent ascended to the throne, Strongilah's friend, now the *valide sultan* (mother of the sultan), managed to obtain for Strongilah and her descendants an exemption from taxes and permission to own non-Muslim slaves. The exemption, originally given in 927 (1520–21) was reconfirmed in 1027 (1612),[25] 1034 (1624–25), 1103 (1691–92), 1206 (1791–92), 1255 (1839–40), and 1284 (1867–68).[26] Like Hekim Yakub, she adopted Islam at the end of her life and received the name *Fatma hanım* (Lady Fatma). At least some of her children remained Jewish; they appear as a separate group in the poll tax registers with the designation "sons of Kürd" (one of her grandsons).[27] Her conversion can be explained either as a token of gratitude to her life-long friend, or as a way of ensuring that her wealth would not be lost after her death.

Either in Strongilah's waning years or after her death, another *kira* began to operate in the court—Esther, of Iberian origin, the widow of Eliyah Ḥandali. She was certainly active before 1566,[28] and served Nur-

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24 See Peirce, *The Imperial Harem,* 223, 225–26.

25 Galante, "Rapports de grands juifs avec le palais," in *Histoire des juifs de Turquie,* vol. 5, 145–47; idem, "Esther Kyra d'après de nouveaux documents," ibid., vol. 9, 16–18.

26 Danon, "The Karaites," 246. Danon was hesitant about Strongilah's father's name, but the Gibors have a family burial plot in Hasköy's Karaite cemetery and nine recorded burials between 1638 and 1822. The males are named Ye'udah, Ya'aqov, Yosef, and David; the females bear the remarkable Greek name Panorea (perfect beauty), aside from two women (Sultanah and Mercada). (*TAU Documentation Project, Karaite Cemetery*). The nine are Panorea, wife of Ye'udah Gibor, daughter of Shelomoh Beni (d. 9 June 1638, t.s. 17, lot 15–1, film 77, 3 Nov. 1989); Ye'udah ben Ya'aqov Gibor (d. 21 Sept. 1649, t.s. 13, lot 15–1, film 77, 3 Nov. 1989); a female child, daughter of Ya'aqov ben Ye'udah Gibor (d. 30 Sept. 1666, t.s. 16, lot 15–1, film 78, 3 Nov. 1989); Mercada, wife of David Gibor (d. 7 Sept. 1738, t.s. 45, lot 14–11, film 62, 1 Nov. 1989); Panorea, wife of Ye'udah Gibor (d. 15 Nov. 1801, t.s. 4, lot 15–1, film 76, 2 Nov. 1989); Panorea, daughter of Ya'aqov Gibor (d. 20 Nov. 1705, t.s. 14, lot 15–1, film 77, 3 Nov. 1989); Sultanah, wife of Yosef Gibor (d. 1 Jan. 1793, t.s. 44, lot 15–1, film 79, 3 Nov. 1989); Ye'udah Gibor (d. 30 Aug. 1822, t.s. 50, lot 15–1, film 80, 3 Nov. 1989).

27 Compare with the sources mentioned in table 1.

28 Compare with Rabbi Avraham Zakut, *Sefer Yoḥasin* (Istanbul,1566), Shemu'el Sulam's introduction. Esther Ḥandali might have been the woman mentioned by Busbecq as the friend of Rüstem Paşa's wife, whom he met in June 1560. The wife was Mirhimah, daughter of Suleyman the Magnificent and Hurrem Sultan; thus, she was Selim II's sister and Nur-Banu was her sister-in-law (Ogier Ghiselin de Busbecq, *The Turkish Letters of Ogier Ghiselin de Busbeq: Imperial Ambassador at Constantinople 1554–1562,* trans. E.S. Forster (Oxford: The Clarendon Press, 1968), 147.

Banu, the *haseki* (favorite concubine) of Selim II, before his accession to the throne. Esther Ḥandali continued her service to Nur-Banu during the reign of Selim II (ca. 1566–1574), and later when Nur-Banu became *valide sultan*, the mother of Murad III (ca. 1574–1595).[29] She accumulated an enormous fortune and was famous for her generosity. She gave to the poor, supported widows and orphans, helped poor girls get married, sponsored scholars and encouraged scholarly activity—all without publicity.[30] After the great fire of 1569, she gave shelter and aid for a long period to many of the survivors.[31] The physician Shemu'el ben Mosheh Sulam, who published a book she sponsored, wrote in the introduction that she had spent her entire fortune on charity.[32]

Esther Ḥandali was followed by several other *kira*s. The most famous was Esperanza Malki, who acted on behalf of Safiye Sultan, the *haseki* of Sultan Murad III, and continued her activity after Safiye became *valide sultan*, mother of the reigning sultan, Mehmed III (1595–1603).[33] She might have begun her career in Esther Ḥandali's lifetime. There is a great deal of confusion in some of the scholarly literature concerning Strongilah, Ḥandali and Malki.[34] While Strongilah (*Fatma hanım*) may be separated from the other two,[35] it is rather difficult to distinguish Ḥandali from Malki aside from in a few documents in which their full names appear. Since the end of one career might have overlapped the beginning of another, and many European, Ottoman and even Hebrew sources[36] did not mention their specific names but only

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29 Nur-Banu intervened on Esther's behalf with the Venetian government to obtain the right to conduct a lottery in Venice for Esther's son (S.A. Skilliter, "The Letters of the Venetian 'Sultana' Nur-Banu and Her Kira to Venice," in A. Gallotta and U. Marazzi, eds., *Studia Turcologica Memoriae Alexii Bombaci Dicata* (Naples, 1982) 515–35, documents 3, 6, and 8 respectively.

30 Zakut, *Sefer Yoḥasin,* Shemu'el Sulam's introduction.

31 *Three Exegesises on Song of Songs* (Istanbul, 1575~78), introduction by Yizḥaq ben Avraham 'Aqrish, who published the book. Cf. Ya'ari, *Hebrew Printing,* 123.

32 Zakut, *Sefer Yoḥasin,* Introduction.

33 Roth, *Doña Gracia,* 107–108; Peirce, *The Imperial Harem,* 223–28; S.A. Skilliter, "The Letters of the Venetian 'Sultana' Safiye to Queen Elizabeth I," in S.M. Stern, ed., *Documents from Islamic Chanceries* (Columbia, SC, 1965), 119–57.

34 Both Rozanes (*History,* vol. 3, 364–76) and Galante ("Rapports de grands juifs avec le palais," in *Histoire des juifs de Turquie*, vol. 5, 145–7; idem, "Esther Kyra," 1–18) combined all three.

35 Mordtmann, "Die judishcen Kira."

36 Rabbi Shelomoh ben Avraham HaKohen, *Responsa*, vol. 2 (Venice, 1592), 129–130: 93b–94b, "The frightening and menacing lady, she has the power and the name in kings courts and castles, and her small word is enough to cause damage in any thing she wishes, to his body or to his capital." Cf. Medina, *Responsa, Even ha-'Ezer*, 214: 33b–34a.

the title *kira*, the three women created one imaginary, diabolic personality who met a horrifying death on April 1, 1600, at the hands of rebellious, sword-wielding soldiers on the staircase of the house of Halil Paşa, the *kaymakam* of Istanbul.[37] Adding to the confusion is that we have the date and circumstances of death of only one of the three women.

It is not necessarily a natural conclusion that Nur-Banu and Safiye enjoyed the services of the same *kira* simply because they had a common interest—that Murad III should succeed Selim II, since the first was his mother and the second was his consort.[38] The *valide sultan* and the *haseki sultan* were actually in competition with one another for power and influence; thus, it would not have been logical for them to have had the same intermediary. As for Esperanza Malki, she was described as the indispensable mediator associated with Safiye Sultan, the influential figure connected with all important imperial nominations, and also as the woman murdered on the staircase of Halil Paşa's house.

Another factor supporting the view that the *kira* was three separate women is the description of the enormous wealth confiscated from Malki's estate after her death;[39] Esther Ḥandali, on the other hand, reportedly spent all her money on charity.

At least until the end of the reign of Sultan Suleyman the Magnificent, the power of the *kira* apparently was limited to having the opportunity to acquire great wealth, a certain amount of influence on the relations of the harem with foreign countries, and leverage within the Jewish community. Overt influence of a *kira* on internal state affairs was manifested only after the death of Selim II. Esther Ḥandali must have died peacefully in her bed during Selim II's reign, perhaps in less-luxurious circumstances than during her lifetime, but certainly more beloved than was Esperanza Malki. If there is a certain pattern in the careers of the first two ladies, it is crystallized in the limited nature of their influence within Jewish society, their failure to found a dynasty of similar female agents, and their inability to bequeath their fortunes unless they converted to Islam.

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37 Substitute for the grand vizier, who was also the person in charge of the capital. On Malki's death, see Galante, "Esther Kyra," 8–14; Rozanes, *Histoire,* vol. 3, 367–74; J. Sandersohn, *The Travels of John Sandersohn in the Levant,* ed. W. Foster (London: The Hakluyt Society, 1931), 85, 201, 203–204. Cf. Levy, *The Sephardim,* 29–30.

38 As implied by Galante, "Esther Kyra," 6.

39 Selaniki Mustafa Efendi, *Tarih-ı Selanıkı (1003–1008/1595–1603),* ed. M. İpsirli (Istanbul: İstanbul Üniversıtesi, Edebiyat Fakültesi Basımevı, 1989), 857.

The careers of the court doctors followed a different pattern, which the activities of the Hamon family conformed to even more than did the chronicles of the Ibn Shanjis. The first of the Hamons to settle in the Ottoman lands was Rabbi Yosef Hamon, who entered the imperial service immediately after his arrival in Istanbul (1492–93). This means that his service partly paralleled that of Strongilah (*Fatma hanım*) and Efraim Ibn Shanji, and partly that of his son Avraham and the *kahya* Sha'altiel. When Yosef Hamon died in Damascus in 1518, the sermon given in his honor described the grace bestowed upon him by the sultans whom he had served, Bayezid II and Selim I, and the great service he had given to the Jews of Istanbul and to the Ottoman Empire.[40]

The Hamon family is an excellent and rare example of the manner in which a courtier family managed to buttress and safeguard its position. Yosef Hamon was the founder of a dynasty of court doctors who maintained their position in the Ottoman court for generations. The Ottoman authorities granted the family the right to build a large stone house, which had a synagogue of its own and formed a separate *cemaat* in the Ottoman tax registry.[41]

The Hamons and the Ibn Shanjis were not the only Jewish court doctors in the first half of the sixteenth century. Their number increased until it justified the creation of a special guild in the Ottoman court in addition to the Muslim guild of court physicians. In 1514, the Jewish

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40 Benayahu, "Sermons," 124–31.

41 On Rabbi Yosef Hamon and the Hamon family, see U. Heyd, "Moses Hamon, Chief Jewish Physician to Sultan Suleyman the Magnificent," *Oriens* 16 (1963): 152–70; A. Galante, *Médecins Juifs au service de la Turquie* (Istanbul, 1938), 1st ed., in *Histoire des Juifs de Turquie*, vol. 9, 85, 89; A. Dannon, "Mosheh Hamon and his Family," in *Yosef Da'at* (in Hebrew) (Edirne, 1888), 118–20, 130–34, 146–47, 162–67, 178–83, 194–95; M. Benayahu, "The House of Abravanel in Salonika" (in Hebrew), *Sefunot* 12 (1971–78): 42–52; idem, "Sermons," 124–31, 192–96; Levy, *The Sephardim*, 31; H. Gross, "La famille juive des Hamons," *REJ* 56 (1908): 1–26; 57 (1909): 55–78; Rozanes, *History of the Jews*, vol. 1, 93; vol. 2, 85–86; vol. 3, 244–68, 275; Epstein, *Ottoman Jewish Communities*, 86–88, 184–85; L. Bornstein-Makovetsky, "The Jewish Community in Istanbul in the Mid-Seventeenth Century: Its Sephardi and Romaniot Personalities and Sages," *Michael* 9 (1985): 27–54. The location of the Hamon synagogue can still be seen in the Hasköy quarter, and the Hamon *cemaat* is mentioned in the tax registers from 1603 (Table 1, ref. 18), 1608–09 (*TCBA, MM* 14932) and 1623 (ibid., *MM* 286). The tax exemption allegedly received by the Hamons is rather doubtful; see Rozanes, *History of the Jews*, vol. 2, 286–88; Lewis, "Privilege"; idem, "On a Historical Document." See also Heyd, "Jewish Communities," 303. Heyd's contention that the Hamon family was exempted from taxes is based on the fact that in the 1603 register, no tax grade was assigned to the family; however, the family was graded in all of the other registers.

guild had six members and the Muslim guild had sixteen members; by the beginning of the seventeenth century, the palace medical staff consisted of 41 Jewish physicians and 21 Muslim physicians.[42] The court doctors, especially those of the Hamon dynasty (Yosef, his son Mosheh and his grandson Yosef), created a separate power base above the other strata of Jewish society.[43]

Along with the court doctors, Iberian Jewish nobility included families with long histories of service as statesmen and treasurers to the Spanish and Portuguese kings. The most important of these was the Abravanel family; its head, Don Yiẓḥaq, continued to render vital services to the King of Spain until the last moments before the expulsion, so the family was able to take part of its fortune when it left. It had branches in Venice, Salonika and Istanbul, and intermarried with the Hamon family. The numerous Greek names in the Hamon family, especially among women, indicated that the Hamons also intermarried with wealthy Romaniot families.[44] Thus, a stratum of families from the two leading ethnic groups was created during the sixteenth century, combining money, pedigree and close relations with the Ottoman authorities.

Not all Iberian Jewish statesmen chose the path of the Abravanels and Hamons. Many of them did not leave Spain during the expulsion, but converted and continued their activities. They enjoyed the benefits of their new status as Christians, while secretly practicing Judaism. After 1506 they started moving away from the Iberian Peninsula, and transferred much of their fortunes to areas outside the Hapsburg realm. Unlike the 1492 immigrants, such families who reached Ottoman shores in the 1530s and thereafter brought large parts of their fortunes, which immediately placed them in very high social positions.[45]

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42 On the court doctors in 1514, see Inalcik, "Ottoman Economy," 531, ref. 42. On other court doctors at the beginning of the sixteenth century, see Rozanes, *History of the Jews*, vol. 2, 57; Nicolaus de Nicolai, *Navigations*, 105; M. İzzet Kumbaracızade, *Hekim-Başı Odası İlk Eczane, Baş-Lala Kulesi* (Istanbul, 1933); B. Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 1984), 129–30 and refs. 27, 29 on p. 214.

43 On the Hamon family, see ref. 425 above; Dernschwam, *Tagebuch einer Reise nach Konstantinople und Kleinasien (1554–1555)*, ed. F. Babinger (Münich and Liepzig, 1923), 113; Ogier Ghiselin de Busbecq, *The Turkish Letters*, 243. See also Rozanes, *History of the Jews*, vol. 2, 289–96; vol. 3, 354–56. In 1703, the Hamons were still considered one of the four richest families in Istanbul (Y. Ben-Zvi, "The Travels of Sasson Ḥai from the House of Qastiel" (in Hebrew), in *Studies and Documents* (Jerusalem: Ben-Zvi Institute, 1966), 469.

44 Benayahu, "House of Abravanel," *in toto*.

45 Aside from the rich literature on the Nasi family (ref. 440 below), see Ibn Yaḥya, *Responsa, Tumat Yesharim*, 15:16a, 58:31a, 91:46b–47a.

The most important and most famous among this class was the Nasi family. After their conversion in Portugal in 1497, the family took the name Mendes. Exploiting the opportunities of their status as New Christians, the Mendes brothers prospered as bankers and spice importers. As a precautionary measure, and also for business reasons, they opened a branch of their business in Antwerp; it became a center for the spice trade flowing from the Far East through Portugal to northern and western Europe. The branch soon became the main office. After the Mendes brothers passed away, the young wife of the younger brother, Doña Gracia, headed the business. Knowing that the combination of her Jewish origin and her enormous fortune would always endanger her, she moved to Venice. Because of a legal dispute with her sister over the management of the Mendes estate, she had to leave Venice; she moved to Ferrara, where she returned to Judaism. In 1553, she moved to Istanbul and settled there under her Jewish name, Gracia Nasi. The German merchant Hans Dernschwam described her arrival in Istanbul:

> In the year 1553 an old[!] Portuguese lady came from Venice to Constantinople, accompanied by her daughter and her entourage.... It is being reported that she managed to escape from Portugal with a great deal of money, and came to Venice after her husband's death.... The Jews are very proud of her and call her Señora. She lives a life of luxury; she has many maids and servants, two of them from Holland. They say that once she was a forced convert, and that she has returned to the Jewish fold.... She does not live in Constantinople among the Jews, but at Galata in a country house and garden for which she is said to pay a ducat a day in rent.... They say that the Venetians had arrested her and were forced to release her.... She claims that she left behind a great fortune, and that part of it is now being sent by sea.... She has distributed large sums of money among the pashas, and has spent thousands of ducats among the poor Jews and their hospitals.[46]

In 1554 she was joined in Istanbul by her nephew (later her son-in-law), Don Yosef Nasi. Using his connections in European courts and the worldwide commercial network of the Nasi firm, Don Yosef Nasi became a leading figure in shaping Ottoman policy toward Christian Europe. His political influence was interwoven with his economic power, which was manifested in his acquisition of lucrative monopolies from the Ottoman state. The peak of Nasi's political career came when he was given the title Duke of Naxos by Selim II after his accession to the throne in 1566.

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46 Dernschwam, *Tagebuch*, 106.

Doña Gracia started a tradition of philanthropy in Italy, which she continued in Istanbul. The House of Nasi helped many forced converts escape from the Iberian Peninsula to neutral localities and then to the Ottoman shores. The Nasis were patrons of scholars and authors, and generous philanthropists.[47]

Another prominent family that was close to the Nasi family and to the Ottoman court was the de Seguras. The physician Yehudah de Segura was mentioned by Rabbi Mosheh Almosnino as the mediator who helped him obtain the Writ of Freedom (*mu'afname*) for the Jewish community in Salonika through his connections with the two *defterdars* (treasury ministers). He was mentioned immediately after Don Yosef Nasi, who is noted for mediating with the sultans, first Suleyman the Magnificent and then Selim II.[48] Aharon de Segura farmed the alum mines in Foça together with Don Yosef Nasi. They were involved separately and together in various complicated businesses in Venice, and their use of the most important officials in the empire to get their way reflects the extent of their influence.[49]

People like the Hamon, Nasi, de Segura and Ibn Ya'ish families did not stand at the peak of the Jewish social scale, but above it. The mechanism of the Ottoman state and society gave them enormous power, though not without limits. For example, Yosef Hamon pleaded with Rabbi Eliyahu Mizraḥi intervene in the case of 'Azizah, daughter of Mosheh Maskut, which meant that Hamon had no official standing in the matter.[50] He could beseech, he could press, but he had no formal authority. Similarly, Avraham Ibn Shanji could only entreat a powerful Jew, who committed a disgraceful act in his hometown and then fled to

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47 The abundance of literature on the Nasi family has not exhausted the subject. The Venetian and Ottoman archives certainly must contain additional evidence on the family's activities, which has not yet been explored. For the time being, see C. Roth, *The House of Nasi Doña Gracia* (Philadelphia: The Jewish Publication Society, 1947); idem, *The House of Nasi The Duke of Naxos* (Philadelphia: The Jewish Publication Society, 1947); P. Grünbaum-Ballin, *Joseph Naci, duc de Naxos* (Paris: Mouton, 1968); Y. Braslavski, *The Research of our Country Past and Remnants* (in Hebrew) (Tel Aviv, 1954) 180–215; A. Arce, "Espionaje y ultima aventura de Jose Nasi (1569–1574)," *Sefarad* 13 (1953): 257–86; M. Benayahu, "Rabbi David ben Ban Venest of Salonika and his letter to Rabbi Abraham Ibn Yaish in Bursa" (in Hebrew), *Sefunot* 11 (The Book of Greek Jewry I, 1971–1977): 267–98; U. Heyd, "Turkish Documents on the Rebuilding of Tiberias in the Sixteenth Century" (in Hebrew), *Sefunot* 10 (1966): 193–210; Ya'ari, *Hebrew Printing*, 29, 32–40.

48 Almosnino, *Me'amez Ko'ah*, 7a.

49 Arbel, *Trading Nations*, 19, 21, 80, 99–100, 104–105, 107, 109, 118–57.

50 Mizrahi, *Responsa*, 24:63. See above, pp. 84–85.

Istanbul, to deposit a bill of divorcement for his abandoned wife.[51] The results were more positive when Ibn Shanji was asked to solve the problems which the Jewish community of Jerusalem had in its relations with the local Muslim population and the local Ottoman officials.[52]

Other dignitaries also attempted to use their influence to achieve legal and political results. Rabbi Mosheh ben Yosef Hamon was approached several times by Jews from various parts of the empire who asked for his help in grave legal matters which reached to the highest legal authority of the realm. Most of these matters were of public interest. The mere request for his help was an admission of his great power. However, a close inspection of some of the problems he was called upon to solve shows that it was easier for him to bring about achievements that benefited the Ottoman Jews in general, or a particular community in the empire, than to impose his will on an obstinate member of the Jewish community who chose to act contrary to his opinion. His name is connected with a *ferman* promulgated by Sultan Suleyman the Magnificent after a blood libel in the city of Amasya (1553). The *ferman* removed the prosecution of such cases from the jurisdiction of the local *kadı*s and assigned them to the sultan's jurists.[53] Popular legend credits Harmon with saving the Jews of Istanbul from a libel concocted by the grand vizier Ibrahim Paşa, eventually causing his fall from grace and execution. This was simply a mythical Jewish interpretation of the court intrigues between Ibrahim Paşa, the sultan's brother-in-law, and Rüstem Paşa, the sultan's son-in-law, whom Hamon had befriended.

Mosheh Hamon's correspondence demonstrates the extent of his power in the eyes of his fellow Jews, especially outside Istanbul. For example, the impoverished clothiers of Salonika pleaded with him to intervene on their behalf at the court of the Great Judge, the *kadı* of Istanbul. They complained that the Ottoman official in charge of buying the cloth for the Janissary corps in Salonika had been bribed by the rich wool makers to buy only their products. The artisans explained that apart from harming the state, this was not in keeping with the justice guaranteed by the benevolent sultan for his subjects.[54] However, there is no proof that Hamon took up their cause.

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51 Weinstein, "Correspondence," 149.

52 Ibid., 151–54, 173–74.

53 U. Heyd, "Blood Libels in Turkey in the Fifteenth and Sixteenth Centuries" (in Hebrew), *Sefunot* 5 (1961): 135–89; Ibn Verga, *Shevet Yehudah*, 144; Sambari, *Divrei Yosef*, 303–306; Danon, *Yosef Da'at*, 148–50.

54 Danon, *Yosef Da'at*, 119–20.

Of greater interest is a group of letters written in connection with the activities of a man named Barukh, a resident of Salonika, whom the local community—or at least certain circles, including the renowned Rabbi Yosef Ibn Lev—sought to restrain. The nature of Barukh's activities is not clarified, although some clues point to a dispute concerning the payment of taxes to the Ottoman government. The language Hamon uses reflects the methods he employed to impose his will on other Jews. The letters are replete with curses, which he formulated to frighten the people he was attempting to persuade; eventually he turned to threats. Finally he wrote that if they complied with his demands he would forgive and forget—but if they persisted, a great many disasters would befall them. Even if they repented afterwards, it would be too late and he would not be able to help them "since the sword of our master the king will get them even if they imagine that they can hide in the four winds of the sky, and he himself will not rest until he wipes them off the earth, a sign and an example to all other transgressors."[55] The authority he used was never an official one. He never utilized his actual power in the court before he exhausted all other options, since it could not be taken for granted; it had a price.

There were, of course, matters in which the pressure and power of a courtier proved fruitful. This was especially true when the other party was a simple person who had much to lose and no social backing. In such cases, the name of the courtier alone was enough to elicit the desired result. Aharon ben Ḥayim HaKohen, for example, divorced his wife, the mother of his firstborn son, because her father threatened to denounce him to the Ottoman authorities with the help of "the lady who has power and fame with the king and his ministers."[56]

Litigation involving families in the suprastratum was usually settled to their advantage. The outcomes of all the lawsuits between Doña Gracia and her sister Brianda and her heirs were in Doña Gracia's favor.[57] It was only expected that scholars such as Shemuel de Medina and Yosef Ibn Lev, who headed houses of study which she founded, would not hesitate to write scholarly opinions in support of her—but even reluctant rabbis such as Yehoshu'a Ẓonẓin were urged by their colleagues to rule in her favor.[58] And when Doña Gracia decided in the mid 1560s to

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55 Ibid., 164–66, 178–82.

56 See p. 206, ref. 36 above.

57 Medina, *Responsa, Hoshen Mishpat*, 327–332: 47b–49b; Ibn Lev, *Responsa*, vol. 2, 23:72–74.

58 Ẓonẓin, *Responsa, Nahalah li-Yhoshu'a*, 12:12b–17b.

found a new congregation named after herself, she did so in spite of the vehement opposition of the existing congregations (which, as they expected, lost members to the new congregation).[59] On the other hand, since the power of these families was *de facto* and not *de jure*, even the authority of the Nasis was not absolute. An excellent example of this was the famous boycott of the port of Ancona declared by the Nasi family after the burning to death of Portuguese Jews in 1555. The leading rabbinical authorities of Istanbul, who opposed her boycott, presented themselves at the Señora's court at her command—but she was unable to compel most of the Jews of Istanbul to take part in the action. Her great fortune and power and that of her nephew, derived from external sources, were not enough to control the entire community.[60]

Rich and Poor

There were not many families such as the Hamons, Nasis and de Seguras. The term "rich" in regard to sixteenth-century Jewish Istanbul was applied to those who belonged to the thin stratum of *evlâ* families—wholesale merchants, importers and exporters, *sarrafs* and tax farmers. The Ottoman tax system designated the leaders of the *mahalle* or *cemaat* as guarantors of the congregation's financial obligations; consequently, the leadership was recruited from members whose assets were enough to reassure the authorities of the congregation's ability to live up to its commitments. The combination of wealth and formal power made this stratum the most powerful in the congregation.

Another reason for the accumulation of power in the hands of the rich was that the *ḥakham*, the congregation's legal authority, received his salary from the public coffers—in other words, from the pockets of the rich. When a dispute arose between rich and poor members of a congregation, it was almost inconceivable that the *ḥakham* would take the side of the poor.[61] In the communal, supracongregational environment, on the other hand, the poor could protect their rights and interests better than within their congregations, as the following incident demonstrates. In 1556, a Muslim guard was murdered in a *han* (trade center)

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59 See pp. 81–82 above.

60 See pp. 97–98 above; Ẕonẓin, *Responsa, Naḥalah li-Yhoshu'a*, 39:44b, 40:45b–47a; Ibn Lev, *Responsa*, vol. 2, 115:263; Rabbi Mosheh mi-Trani, *Responsa*, vol. 1, 237:33b–34a; Rozen, "Self-Definition."

61 See ref 56 above.

near a *mahalle* inhabited by very wealthy Jews. Istanbul had mixed quarters of Jews and non-Jews, but, aside from the trapezoid of the Eminönü-Sirkeci-Mahmud Paşa-Tahtakale neighborhoods, rich and poor normally did not live near each other. Poor Jews lived close to poor Muslims; rich Jews lived either by themselves or near rich Muslims and Christians.

According to Islamic law, the residents of the *mahalle* closest to where a murder was committed had to pay a fine. Since the Jews of this rich *mahalle* lived detached from the non-Jews, they could not demand that anyone else participate in payment of the fine—so they were faced with having to pay the entire sum themselves. To reduce the burden of such a fine on a single *mahalle*, the Jews of Istanbul had a supracongregational agreement whereby the entire Jewish community would share in its payment. However, most of the Jews of Istanbul regretted the communal agreement, especially the Jewish residents of a certain poor *mahalle*, who refused to pay their share under this arrangement. They argued that the fine was high because the Jews in the first *mahalle* were wealthy and lived apart from Muslims who would otherwise have shared the fine; they themselves were poor and could not afford to participate in the payment of such a high fine; and if the murder had taken place in their own quarter, their Muslim neighbors would have reduced the burden on the Jews to a reasonable amount by negotiating a lower fine with the coreligionist Ottoman authorities and by sharing in the payment. Although their argument was not accepted by Rabbi Yosef Ibn Lev, who represented the interests of the wealthy families and ruled in their favor, there is no evidence that he was able to compel the rebellious congregations to comply with the agreement.[62]

Since there was a single authority over all of the Romaniot congregations, there is reason to believe that poor Romaniots had a better chance of receiving favorable treatment from their rabbinical authorities than did poor Sephardim. This may have offset the intimate relationship between the taxpayers and the adjudicating authority which existed in the Sephardi congregations. A case decided by Eliyahu HaLevi, the superior Romaniot authority after 1526, gives some support to this hypothesis. The buyer of a house was an ordinary person who did not have any other place of residence. The seller's neighbor claimed that, according to custom, he had a preemptory right to buy the house. Rabbi Eliyahu HaLevi decided that since the neighbor was a rich man who owned

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62 Ibn Lev, *Responsa*, vol. 1, 122:184.

many houses, the custom in this case did not serve the public interest, so the house should go to the poor buyer.[63]

Rich and poor were also separated by their social status, which was an outcome of (among other things) the characteristics of their everyday life, including where they lived. Most of the private houses in Istanbul were built of wood and brick (*kerpiç*).[64] Stone of any kind, even the limestone brought from the Köfeke quarries (*kireç*), was very expensive. The Ottoman authorities considered stone construction to be of high standard. In consideration of the appearance of the neighborhood (and probably its safety as well), they issued building regulations such as the *ferman* in 967 (1559–60) which required new houses in Galata to be built of *kireç*, without eaves (which disturbed the passage of pedestrians and were dangerous in case of fire).[65]

Although large numbers of Muslims settled in Galata from the time of the Ottoman conquest until the mid-sixteenth century, thus changing the demographic balance in this part of the capital,[66] it was still a traditional residential area for foreigners. The fact that no such orders for using *kerpiç* or *kireç* were recorded for other parts of the city calls for an evaluation of the spirit of this *ferman*. The Ottomans were evidently interested in the appearance and safety of other quarters as well; they made sure that no parts of the buildings, such as eaves, roofs and balconies, protruded into the street, and allowed the building of additional stories only if there were provisions for additional water. Since there was no insistence on building in *kireç* or *kerpiç* in other quarters,[67] was that particular *ferman* a subtle way of limiting construction in Galata? The paucity of parallel data on other neighborhoods does not allow us to reach a definite conclusion.

In quarters where locals lived, only viziers and people of great power and money built stone houses—as did the Grand Vizier Ibrahim Paşa in

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63 HaLevi, *Responsa, Zeqan Aharon*, 80:56b.

64 Refik Altınay, *Onuncu Asr-ı Hıcride Istanbul Hayatı*, 87–91, 96; Salomon Schweigger, *Reyssbeschreibung auss Deutschland nach Constantinopel und Jerusalem* (Nürmberg, 1608) (facsimile), ed., Rudolf Neck (Graz, 1964), 104–107; Benedetto Ramberti, *Libri tre delle cose de Turchi* (Venice, 1539), 239; Chesneau, *Le voyage de Monsieur d'Aramon*, 25.

65 On the rarity of limestone (*kıreç*), see *TCBA*, Mühimme, 52, p. 276, ref. 734, order of 25 Safer 992 (March 5, 1584). For the order to build with *kıreç* in Galata, see ibid., *Muhimme*, 3, p. 272, ref. 788, order from 17 Cemaziyelevvel 967 (1559); see also Refik Altınay, *Onuncu Asr-ı Hıcride Istanbul Hayatı*, 89.

66 Inalcik, "Galata," 103.

67 See Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 87–92, 96.

Beyazid and the Hamon family in Hasköy.[68] Although descriptions from the sixteenth century draw a picture of Istanbul as a city full of green areas and open spaces, it seems that this was the lot only of the privileged.[69] Stone or wood houses surrounded by gardens characterized the residential areas on the shores of the Bosphorus and in the quarter of Hasköy. Pierre Belon described the beautiful *yalıs*, shore palaces surrounded by gardens, built directly on the water's edge, to the left of the route leading to Hayrettin Barbarossa's tomb in the village of Beşiktaş. Many of these belonged to Spanish Jews.[70] The settlement in Hasköy, being unlimited by walls or by adjoining non-Jewish neighborhoods on the north and west, provided green spaces and better housing conditions than did the classic Jewish quarter in the old city.

In the mid-seventeenth century Evliya Çelebi wrote that during the reign of Fatih Mehmed and onward, 12,000 cypress trees and many peach and apricot orchards were planted at the sultans' command in the area where Aynalı Kavak (the Mirrored Castle) is now located. Although his description was written a hundred years after the period we are discussing, it attests to the greenery and space which characterized the neighborhood in earlier generations. He described a beautiful area with about 3,000 houses of several stories and vast gardens. The houses overlooking the sea rose on the terraced hills and were surrounded by wide gardens with apricot, peach and pomegranate trees. Some of the orchards had greenhouses where orange and lemon trees were grown.[71]

Not many Jews lived in Hasköy in the first half of the sixteenth century; when the survey for the *vakıf* of Sultan Mehmed II was conducted in 1595–97, no more than 5 percent of Istanbul's Jews resided there.[72] Hasköy was still the summer residence of people such as the Hamons, and the permanent home of people of lesser means who, although much less wealthy than the Hamons, could afford a good quality of life.[73]

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68 On the Hamon palace in Hasköy, see p. 208, ref. 41 above. On the palaces of Ibrahim Paşa and other Ottoman dignitaries, see M. And, *Istanbul in the Sixteenth Century The City, the Palace, Daily Life* (Istanbul: Akbank, 1994), 16.

69 Ibid., 16–17.

70 On the residential areas on the shores of the Bosphorus, see Pierre Belon, *Les Observations de plusieurs singularitez et choses mémorables trouvées en Grèce, Asie, Judée, Egypte, Arabie, etc* (Paris, 1555), 127a.

71 For Evliya Çelebi's description of Hasköy, see *Seyahatname*, vol. 1, 413–15.

72 See above, pp. 59–60.

73 This picture differs from Evliya's description of the densely settled parts of the quarter, created after the great fire of 1660 in Eminönü, and the transfer of the Jews of that area to Hasköy and Balat. Cf. *Seyahatname*, vol. 1, 413–14. For the evidence on the Hamon residence, see Dernschwam, *Tagebuch*, 85.

Striking differences between rich and poor existed in the Jewish settlement inside the walls within the trapezoid formed by the Eminönü, Sirkeci, Tahtakale and Mahmud Paşa neighborhoods, where the homes virtually touched each other. According to Rabbi Mosheh Almosnino's description, in the 1560s it was an overpopulated area with no vacant plots for building; the only possibility was to build additional stories. The result was an area of narrow streets bordered by "high-rise" wooden houses.[74] The situation was well known to the Ottoman authorities. A *ferman* issued on 26 Ramazan 966 (June 29, 1559) described how the Jewish community was constructing tall buildings, huts and shops joined to the city walls or very near them, and warned that a fire could break out in this concentration of wood and timber, to the detriment of the Muslims of Istanbul.[75]

Almosnino asserted that the upper stories in these buildings were considered to be the best. The windows were normally open to the southwest wind (Almosnino used the Judeo-Spanish word *tramontana*, from over the mountains); however, only the top floors enjoyed the fresh air. The lower stories and one-story houses were cold in the winter and hot in the summer; they were dark and unfit for human habitation. Since there was no drainage system, the residents of these buildings threw human waste onto the lower stories; as a result, the bottom floors and the street itself were always foul smelling.[76] Imperial orders to clean the streets, if ever given regarding this area, could not solve the problem of drainage.[77] Naturally, the rich lived upstairs and the poor downstairs. The top floors were also less densely occupied. In a fairly rich household, the masters lived upstairs in spacious comfort, while the servants and the female slaves lived on the lower floors, one family to a room. Consequently, being poor also meant living with dirt, foul smells and more exposure to diseases.[78]

The differences between rich and poor were also manifested in the female world, and were especially discernible in the middle of the sixteenth century. Ottoman Muslim culture divided the house into two well-defined parts: the *selâmlik*, where male visitors were received, and the *haremlik*, where a man lived with his family. The *haremlik* was also the world of women, the private side of life, which, from the distance of

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74 Almosnino, *History of the Ottoman Kings*, 188.
75 Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 87–89.
76 Almosnino, *History of the Ottoman Kings*, 188–89.
77 See, for example, Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 99.
78 Almosnino, *History of the Ottoman Kings*, 188–94.

time seems totally hidden from the public eye and closed to the outsider. However, even after generations of existence within the Ottoman realm—time enough to turn the Iberian Doña and the Romaniot Kira into an Ottoman Kadın—the world of women, whether Jewish or Muslim, was diversified and multicolored. The variations were more a matter of social and economic conditions than of religion and faith. When Mosheh Almosnino resided in Istanbul (1566), the ideal woman exposed herself as little as possible to the public eye, (i.e., to men from outside the family circle).

Since most household chores such as washing and cooking meant using the external rooms of the house or even going outside, keeping oneself inside the *haremlik* was the privilege of rich women who could afford the service of maids and female slaves. These wealthy women spent most of their time idling indoors, or entertaining other women of their class for family events or on a rotation basis. They would go out mainly to visit other female family members or to the *mikveh* (public ritual bath).[79]

It was customary in Ottoman Muslim society that when a wealthy woman went out, she was escorted by a maidservant or one of the younger boys of the family. This might have been the case with Jewish women as well.[80] A woman of that class who lived *intra muros* would have a summer residence somewhere along the Bosphorus, where she would have greater mobility.[81]

However, it would be wrong to think that these women were secluded. The *haremlik* was a whole world unto itself, with activities that paralleled those of the men. It had several channels of communication with the outside world, starting with the household servants and continuing with saleswomen, seamstresses, midwives, cosmeticians and the like.[82]

Each visit to another home or to the *mikveh* was an event for which women prepared themselves; they made sure that all their status sym-

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79 Ibid., 191–92.

80 On the habits of Muslim Ottoman ladies, see the observations of Western travelers: Dernschwam, *Tagebuch*, 130; Wenceslas Wratislaw von Mirowtiz, *Das Freyherrn von Wraitslaw Merkwurdige Gesandschaftsreise von Wien nach Konstantinopel* (Leipsig, 1786), 227–29. See also p. 294, fig. 7 below.

81 See the reference to a synagogue at a summer resort in Ibn Hayim, *Responsa Mayim 'Amuqim*, 70:115b.

82 On the life of Muslim women in Istanbul in the sixteenth century, see ref. 280 above and M. And, *Istanbul*, 222–28, 246–49; Refik Altınay, *Onuncu Asr-ı Hicride Istanbul Hayatı*, 57–64.

bols—jewelry, dresses and maids—were well presented.[83] Even where there were no inner courtyards onto which many apartments faced, women still found ways to communicate with the outside world, even with men. The sight of a woman standing at the window chatting with another woman or man in a window on the opposite side of the street was not really rare; some of the women would even stand in the doorway of the house in order to do so.[84]

Poor women, on the other hand, had to go out to work as servants or take other jobs. Some of them peddled in the markets or in the streets; the luckier ones worked in their husbands' shops or conducted their businesses from their homes.[85] Since women of good quality (*las mujeras las virtuosas,* as they were called in Judeo-Spanish) were considered to be those who kept indoors and avoided any contact with men outside the family circle, and since only the rich could maintain such a lifestyle, being rich also meant being an honorable and decent woman. Being poor immediately cast doubt on a woman's virtues and chastity.[86]

Thus, being rich or poor in the middle of the sixteenth century related not only to social, political and economic status. It also involved a wide range of associations and assessments.

PEDIGREE AND SCHOLARSHIP

Rabbi Mosheh Almosnino's observations about the Jewish society of Istanbul help us understand the role of pedigree and scholarship *vis-à-vis* connections with the court and wealth. Almosnino wrote about the status of people whose social rank and value endured the vicissitudes

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83 On the visit of the mother of a future groom to her future daughter-in-law, see Mizrahi, *Responsa*, 18:49 (doc. 15 below). On the visit of the lady Palomba to the lady Jamilah (Camila) Siciliana, to bring her the *sivlonot* her future groom had sent, see ibid., 69:236. See descriptions from later periods in Yuhasz, "Marriage" in idem, ed., *Sephardi Jews in the Ottoman Empire*, 201, 204–205; M. Russo Katz, "From Pregnancy to Redemption of the First Born Son", ibid., 256 (In the English edition, pp. 201, 205–206, 256). Compare with Peirce, *The Imperial Harem,* 6–7.

84 Almosnino, *History of the Ottoman Kings*, 192–93. On the structure of Jewish houses in Istanbul, see Rozen, "Public Space, Private Space," 367, 344.

85 Ibid., 193. On an Istanbuli businesswoman at the beginning of the seventeenth century, see Bassan, *Responsa,* 38:24a. On Jewish women hawking their embroidery in the open bazaars, see ref. 313 below. On Jewish musicians and female dancers in a Turkish wedding party, see Stephan Gerlach, *Tagebuch* (Frankfurt am Main, 1674), 157. On a Jewish wet-nurse who accused one of the male members of the household of being the father of her child, see above, p. 193, ref. 377.

86 Almosnino, *History of the Ottoman Kings*, 192.

depicted above, people with "certain special qualities thanks to knowledge or pedigree."[87] Placing these people in the Jewish elite, which Ottoman norms defined in a different manner, is an example of the way Iberian culture was integrated into the Ottoman setting. The Spanish society of Istanbul retained some of the social values they had brought from Spain, and the issue of pedigree was an imported concept. A long line of wealth, preferably anchored in the Iberian past, meant a superior pedigree. Once a family acquired this status, it could retain it for several generations even if the family's fortune was lost.[88] Since money alone was a very precarious asset in Ottoman society, the traditional value of pedigree served as a more stable criterion for an individual's position on the social scale.

If the knowledge Almosnino referred to was traditional Jewish knowledge, his assessment should be considered with serious doubt. On one hand, it is true that Rabbi Yehoshu'a Ẓonẓin stood up to Doña Gracia and Don Yosef Nasi and that his self-esteem was based on public opinion. On the other hand, the anonymous *ḥakham* of the Gerush Congregation, until backed by public resentment against Doña Gracia in his own congregation, did not dare express disagreement with her plans. This part of Almosnino's analysis is apparently based on wishful thinking related to his personal struggles in his own city, Salonika, and not the reality of Istanbul.[89]

Notwithstanding the importance of pedigree, everyone ate from the sultan's hand at the Threshold of Felicity—and that was what mattered. The closer you were to that hand, the better off you were. If you managed to get close to the hand, all you had to do was maintain and protect your place there, and be on the alert lest the benevolent hand suddenly became hostile.

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[87] Ibid., 182.

[88] A Ladino proverb from Salonika demonstrates this process in a wonderfully witty way: "Basta mi nombre Abravanel, alevanto la colcha y me echo sin comer"! (It's enough that my name is Abravanel, I shall pull the blanket over my head and go to sleep without dinner!) (I.S. Emmanuel, *Precious Stones of the Jews of Salonika* [in Hebrew] [Jerusalem: Ben-Zvi Institute, 1968], vol. 1, 423–24)

[89] On the social and political strife in Salonika, and the role played by Almosnino in these events, see Rozen, "Individual and Community," 215–73, and especially 253–60.

CHAPTER TEN

ECONOMIC LIFE

An accurate picture of Jewish economic activity in Istanbul during the mid-fifteenth to mid-sixteenth centuries requires an evaluation in the context of the Ottoman economy. To start with, this involves a comparison of theory and practice—the Ottoman economic mentality versus the manner in which the economy functioned in reality.

THE OTTOMAN SETTING

The Ottoman perspective of the economy was founded on the circle of justice mentioned at the beginning of this book.[1] The ancient oriental states and the Iranian and Byzantine Empires, from which the Ottoman state derived so many of its characteristics, traditionally perceived the economy as a means for strengthening the power of the ruler—since only through his government would justice reign. To enforce his government's dominion, the ruler needed armies; to feed and equip the armies, he needed to generate revenues through taxation or territorial expansion, or both. Thus, the economy was merely a means for accumulating as much bullion as possible to finance additional conquests and administer the territories he conquered. A corollary was that the people in charge were entitled to take from those lands whatever they needed for maintaining the military and administrative systems.[2]

Pre-Islamic political ideology passed into the Muslim state through Persian and Christian scribes. It infiltrated the Ottoman way of thinking as Muslim ideology, which considered the state and the ruler responsible for social justice and the welfare of the empire's subjects.[3] Sultanic law (*kanun*) was devised to interpret the religious law (shari'a) and transform it into a practical and routine tool that could be applied by the ruling elite.

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[1] See above, p. 17

[2] H. Inalcik, *An Economic and Social History of the Ottoman Empire*, vol. 1 *(1300–1600)* (Cambridge: Cambridge University Press, 1994), 44–64, 77–178; idem, *The Ottoman*, 67–68.

[3] Ibid., 65–67; and see above, p. 17.

Any excessive treatment of the *reaya* by the administrative or military ruling elite, the *askerî*, was a violation of the *kanun*. Mechanisms evolved to prevent abuses resulting from the privileges enjoyed by the ruling elite and by businessmen who worked hand in hand with the administration and accumulated great wealth. Tax farmers paid on the spot, from the funds they collected, for the local expenses of public enterprises.

This avoided the unnecessary transfer of bullion back and forth, and was an efficient method for ensuring that the tax farmers would not misuse the enterprise to the detriment of the state and the sultan's subjects.[4]

As punishment for abusing their offices, a sultan often expropriated the estates of deceased officials, dignitaries and tax farmers whom he believed had converted public funds to their private use—thereby replenishing the state coffers with money the ruler considered due him. A great deal of the state's revenues were farmed out to private businessmen; these tax farmers were frequently executed, and their capital was expropriated with or without their execution, in a corrective process to counteract what the authorities perceived as being the misuse of the state's resources.[5]

Since the ruler was responsible for the well-being of his subjects, one of his duties was to provide them with basic foods at reasonable prices. The result was a great deal of state intervention in economic activity—fixing the prices of raw materials, goods and services; prohibiting the export of agricultural products and bullion; and sometimes even supplying the actual products.[6]

One of the mechanisms that the authorities used for redistributing wealth was forcing rich businessmen to act as the state's agents in supplying certain goods, commodities or services at controlled prices; in-

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[4] S. Faroqhi, "Long-Term Change and the Ottoman Construction Site: A Study of Builder Wages and Iron Prices," in idem, *Making a Living in the Ottoman Lands 1480–1829* (Istanbul: Isis, 1995), 153, ref. 15; idem, "Merchant Networks and Craft Production (Sixteenth-Seventeenth Centuries)," ibid., 177.

[5] This was the case if the tax farmer allegedly failed to live up to his commitments, an issue that was sometimes subject to different interpretations. He would then be accused of fraud and extortion of the *reaya* (see, for example, p. 239, ref. 53 below and also Inalcik, *Economic and Social History*, 212 regarding Michael Cantaccuzenus [executed in 1578]; regarding the estate of Don Yosef Nasi and others, see ibid., 213. Famous and powerful grand viziers such as Mahmud Paşa (1474) and Ibrahim Paşa (1536) were executed when they fell out of grace, and their estates were confiscated.

[6] Inalcik, *Economic and Social History*, 179–87; Mantran, *Istanbul*, 267–348.

evitably, this practice led to a great loss of the businessmen's capital.[7] This was supplemented by global payments imposed on the social groups to which the businessmen belonged. Another channel for the redistribution of wealth was set up by members of the imperial family and high functionaries who founded institutions of public welfare financed by *vakıf*s they created.[8] Such enterprises were the most important building blocks of Ottoman society in Istanbul.[9]

Ethical practice was viewed as an important value in economic activity; this included producing the best possible product at a reasonable price. The vocations held in the highest regard were those of soldier,[10] bureaucrat and man of religion—professions which required rhetorical skill, valor and excellent personal qualities.

After these, agriculture was highly regarded because it was imperative for the continuation of human existence—and the people who engaged in it were not inclined toward unethical practices such as those

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[7] On the organization of meat supply to the cities and the coercive elements involved in it, see Mantran, *Istanbul*, 194–96; B. Cvetkova, "Les celep et leur rôle dans la vie économique des Balkans à l'époque ottomane, XVe–XVIIe siècles," in M.A. Cook, ed., *Studies in the Economic History of the Middle East from the Rise of Islam to the Presnet Day* (London, New York, Toronto: Oxford University Press, 1978), 172–92; idem, "Les registres des celepkeşan en tant que sources pour l'histoire de la Bulgarie et des pays balkaniques," *Hungaro-Turcica, Studies in Honour of Julius Nemeth* (Budapest, 1976), 325–35; S. Faroqhi, *Towns and Townsmen of Ottoman Anatolia. Trade, Crafts and Food Production in an Urban Setting (1520–1650)* (Cambridge: Cambridge University Press, 1984), 228–33. On the element of coercion in the metallurgic industry (for silver mines in the Balkans) see, R. Anhegger, *Beitrage zur Geschichte des Bergbaus im osmanischen Reich*, vols. 1 and 2 (Istanbul, 1943); N. Beldiceanu, "Rapport sur l'ancien règelement en viguer à la mine de Sidreqapsa 1451–1478/79," *Les actes des premiers Sultans conservés dans les manuscrits turcs de la Bibliothèque Nationale à Paris*, vol. 2, *Règlement miniers 1390–1512* (Paris-Le Haye, 1964); H. Jacobson, *Jews in the Caravan Routes and the Silver Mines of Macedonia The Communities of Serres and Siderokapısı in the Fifteenth through Sixteenth Centuries* (in Hebrew) (Tel Aviv: Tel Aviv University, 1984), 63–95; M. Rozen, "The Corvée of Operating the Mines in Siderokapısı and Its Impact on the Jewish Society of Salonika in the Sixteenth Century" (in Hebrew) in idem, ed., *The Days of the Crescent: Chapters in the History of the Jews in the Ottoman Empire* (in Hebrew) (Tel Aviv: Tel Aviv University, 1996), 13–38. On the operation of the Istanbul mint and local refinery installation, see below, p. 227. On the corvée of supplying the Janissary corps in Salonika with cloth, see Rozen, ibid., G. Veinstein, "The Clothes of Salonika: A Reassessment of Nehama's Views" (in Hebrew), in Rozen, *The Days of the Crescent*, 39–48; B. Braude, "International Competition and Domestic Cloth in the Ottoman Empire 1500–1600," *Review, Fernand Braudel Center*, Binghamton, NY 2 (1979): 437–54.

[8] Inalcik, *Economic and Social History*, 47.

[9] Kuban, *Istanbul Urban History*, 213–86.

[10] On the *gaza*, the holy war, as the most desirable means of gaining one's livelihood, see Kafadar, *Between Two Worlds*, 85–88.

which lured the merchants. Likewise, being a craftsman was also considered better than being a merchant. At the bottom of the list came usury and entertainment.[11]

Despite these attitudes, many Muslims were not farmers, soldiers or administrators; they also participated in some of the less prestigious trades. They found ways to lend money with interest, and some were goldsmiths.[12]

The status of an occupation had a certain moral and social meaning, and the distribution of trades among the *zimmi*s in Istanbul should be seen against this background. The Ottoman set of values held that each person needed to know his place, and that he needed to stay there.

This social system was based on a close network of family relationships and clientele, with a traditional organization of the means of production. As a result, it engendered professional conservatism and ethnic specialization.

These observations provide an indication of how the economic behavior in the Ottoman Empire differed from that in the European world. While the European state of the mid-sixteenth century emphasized manufacturing as a means for acquiring national wealth and power, the Ottoman Empire still considered territorial expansion to be the primary way to secure wealth; economic activity was simply the means for enabling that expansion. Agriculture was the basic pillar of the Ottoman economy, with other trades being secondary and intended only for local consumption.

While the Christian European world was moving toward a national economy that encouraged the expansion of industries and markets, the Ottoman policymakers emphasized the accumulation of booty and taxes in the territories they administered, gave agriculture priority over industry and trade, and viewed professional mobility as something negative that endangered social and political stability.

The Ottoman economic mentality enabled a situation to exist in which the prices of all local products were carefully scrutinized and supervised, while luxury commodities brought in from abroad were sold on the free market with no thought to their repercussions on local industries.[13]

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11 Inalcik, *Economic and Social History,* 44–45.

12 Ibid., 48. On banking, see O.L. Barkan, "Caractère religieux et caractère seculier des institutions ottomanes," *Collection Turcica III Contributions à l'histoire économique et sociale de l'Empire ottoman* (Louvain: Editions Peeters, 1983): 31–45.

13 Inalcik, *Economic and Social History,* 45.

Between the Settlement of the Romaniots and the Influx of the Sephardim (1453–1492)

The historiographical records of families such as the Nasis and, at the end of the sixteenth century, that of Don Shelomoh Ibn Ya'ish, created the misleading impression that large-scale economic activities and fortunes were introduced to Istanbul only by Iberian immigrants. Ottoman sources from 1453 to 1492 paint a different picture: not long after the settlement of the *sürgün*, Istanbuli Jews were excelling in traditional fields of big business.

Jews were extensively involved in the lucrative trade of cloth and spices in the town of Bursa before 1492. Bursa court records from 1479 through 1500 show that eighteen Jewish merchants were dealing in silk, pepper, cloves and rosemary, of whom sixteen were Romaniots residing in Istanbul. Of the other two, one had previously lived in Tire and the other was "a European Jew," meaning a newcomer from Christian Europe.

Other important international trade centers were Caffa, Kilia and Akkerman in the Crimea, through which luxury products from Europe flowed from Istanbul to Eastern Europe, and raw materials were shipped in the opposite direction. Ten Jewish merchants are mentioned in a register concerning unpaid customs in Caffa in the years 1487–90; the merchants dealt in brocade embroidered with gold thread, plain brocade, taffeta, silk, rice, wine, dye, velvet embroidered with gold thread, horse-hides, cowhides, horsehair and butter. A similar picture emerges in records from Akkerman and Kilia.[14]

A considerable number of Jews were involved in tax farming and the farming of mints in the decades preceding the expulsion. The farming of these sources of government income was an investment for a merchant who had a surplus of cash and wanted to diversify. Several great businessmen were tax farmers before 1492; they were Istanbuli Jews who farmed taxes all over the empire, mainly in places where they had lived before the *sürgün*.

Such farming involved huge investments and sometimes intense competition. In 1483, a Jew, Sabbetay (Shabetai), son of Avraham, topped all competitors with a bid of 1,200,000 *akçe* for the tax farm of

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[14] Inalcik, "Ottoman Economy," 515–24; idem, *Sources and Studies on the Ottoman Black Sea, I, The Customs Register of Caffa, 1487–1490* (Cambridge, MA: Harvard University, The Department of Near Eastern Languages and Civilizations, 1995), 70–74, 117, 136.

the saltworks of Thrace. In 1477, a partnership between a Jew, Altina, and two other people (a Muslim and an Italian), paid 20,400,000 *akçe* for the customs duties at the ports of Istanbul. In 1481, a partnership of two Jews—Bruto, son of Isaya, and Arslan, son of Süleyman—paid 18,000,000 *akçe* for the mints of Istanbul, Gelibolu, and Edirne. The same year, the partnership of Afsalom, son of Eliya (Avshalom ben Eliyah), Haskye, son of Samariyya (Ḥizqiyah ben Shemariyah), David, son of Yako (Ya'aqov), Sha'aban, son of Ishaq, and Musa, son of Yaqub, paid 23,400,000 *akçe* for the mints of Novabri (Turkish; Novo Brdo [Slavic]), Üsküb and Serres. All of the important mints in Rumelia were farmed by Jews in 1481.[15]

Other sources give additional evidence of wealth and power among the Istanbuli Romaniots. Rabbi Eliyahu HaLevi was the judge in a decision by Romaniot notables that none of them would act as a *sarraf* (dealer of coins) for a period of three years—which resulted in the royal mint in Istanbul being forced to close; his responsum proved that in the 1530s the Romaniots still controlled the circulation of money in the capital.[16] Rabbi Tam Ibn Yaḥya was the judge in a dispute between a Romaniot woman and her sons over an estate worth more than one thousand ducats; her marriage contract (*ketubah*) was worth twenty-five thousand *akçe*, and her husband had left her houses worth one thousand ducats.[17]

In 1595, Rabbi Yeḥiel Bassan presided over a dispute between the heirs of Mosheh Pesaḥ (from his name, we can infer that he was a Romaniot Jew) and the heirs of an Ashkenazi *gevir* (rich man), Ya'aqov ben Shelomoh. Pesaḥ's heirs claimed that ben Shelomoh owed their father and his partners 103,515 *akçe* for several purchases of timber (*kyereşté* in the Hebrew document, a distortion of the Turkish *kereste*). The document indicates that the Romaniot merchant was a large wholesaler of construction materials.[18]

In 1617, the same rabbi presided over a dispute between the heirs of a Romaniot *gevir* named Eli'ezer Sironi and their congregation. Apparently, Sironi had left a large house and courtyard as a *vakıf* for a house of study (*Beit Midrash*) which his late brother had started, and his heirs were not happy about this. Eli'ezer Sironi also had a shop at the *Be-*

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15 Ibid., 524–26; idem, *Economic and Social History*, 210; Epstein, *Ottoman Jewish Communities*, 107–20.

16 HaLevi, *Responsa, Zeqan Aharon*, 158:81a (doc. 2 below).

17 Ibn Yahya, *Responsa, Tumat Yesharim*, 128:60b–61a (doc. 17 below).

18 Bassan, *Responsa*, 81:52b–53a.

destan, the old bazaar of Istanbul;[19] ownership of such a shop was both very profitable and very prestigious.[20]

The 1595–97 survey shows that the richest congregations in Istanbul were those of the autochthonous Jews.[21] The *cizye defteri* (poll tax register) of 1623 reveals the same picture: fifteen percent of the Romaniot taxpayers that year were rich, forty percent were average and forty-five percent were poor; among Iberian Jews, eight percent were rich, forty-one percent were average and fifty-one percent were poor.[22] Taken together, these facts indicate that among the Jews exiled by the Ottomans, many were affluent. It can be inferred that the wealthy Romaniot Jews were no less involved in businesses such as tax farming and mint farming than were their Greek, Slav or Muslim counterparts. At the beginning of the seventeenth century the Romaniots still held a considerable part of the capital owned by Jews, even in comparison with Spanish Jews.

Economic Activity after the Settlement of the Iberian Jews

In practice as well as in principle, almost all fields of economic activity were open to the Jews of Istanbul (as well as to the Jews of the empire in general). The exceptions were functions performed by members of the *askerî* class in the Ottoman administrative-military system of government and by Muslim clerics in the Islamic system of law and justice. Otherwise, there was hardly any activity in which the Jews did not participate.

Gardening probably became part of the Jewish economic profile after the settlement of Jews from the Iberian Peninsula. Although Istanbul in the sixteenth century was characterized by expanses of green areas between the houses, it appears that the main centers of the Romaniot Jews—the areas from Eminönü inland and Balat—were too densely populated to maintain gardening on a commercial scale. However, the arrival of the Iberian Jews, especially on the Bosphorus shores, opened new perspectives. There is evidence from the seventeenth century that there were orchards and gardens in Hasköy, Ortaköy and Kuzguncuk. A

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19 Ibid., 23:14a–14b.

20 H. Inalcik, "The Hub of the City: The Bedestan of Istanbul," *International Journal of Turkish Studies* 1 (1980): 7; Dernschwam, *Tagebuch*, 93.

21 Yérosimos, "La communauté," 117.

22 *TCBA*, *MM*, 286.

seventeenth-century description of artichoke gardens in Ortaköy emphasizes that commercial cultivation of the plant was introduced by Jews from Europe; this may point to an even earlier existence of artichoke gardens in the suburbs of the city.[23]

A far more common occupation among the Jews of Istanbul was the production and sale of food. Since the production of dairy products, wine and meat was regulated by Jewish dietary laws (*kashrut*), the Jews of Istanbul, like Jews everywhere else, manufactured and sold these products among themselves.[24]

Muslims were prohibited from drinking alcohol, so only Jews and Christians made and sold wine, mainly in their own neighborhoods.[25] Most of the wine sold in Istanbul was manufactured outside the city. Wine was also a profitable item in international trade. Don Yosef Nasi, a major figure in the trade, exported wine from Crete to Moldavia, and later acquired the tax farming on wine exported from the Mediterranean to the Black Sea.[26]

The production and sale of meat was a complicated process. The Ottoman government considered meat to be a basic food which it was obligated to supply to the citizens of the main cities. This was not simply a matter of public welfare, but recognition that an unsatisfied mob could overthrow a government or even a sultan. The state controlled both the quality and price of meat. The process started with a person, the *celepkeşan*, who bought flocks of sheep in Anatolia or the Balkans and brought them to the city.

The *celepkeşan* faced difficulties both on the way and when he arrived. A large percentage of the thousands of sheep he was driving did

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23 Evliya Çelebi, *Seyahatname*, vol. 1, 413–14; Eremya Çelebi, *Istanbul Tarıhı*, 41.

24 M. Rozen, "La vie économique des Juifs du bassin méditerranéen de l'expulsion d'Espagne (1492) à la fin du XVIIIe siècle," in S. Trigano, ed., *La société juive à travers l'histoire* (Paris: Fayard, 1993), vol. 3, 298–301 and refs. See also Ẓonẓin, *Responsa, Nahalah lı-Yhoshu'a,* 14.18b (a Jew from Istanbul going to the island of Mytilene to manufacture cheese, mid-sixteenth century); Ibn Lev, *Responsa*, vol. 3, 40:19b (cheese made on the islands by Istanbul Jews and transported to town by non-Jews).

25 Rozen, "La vie économique," 298 and refs.; Mizrahi, *Responsa, Mayım 'Amuqım*, 37:34b; Ibn Lev, *Responsa*, vol. 3, 60:31b (it is unclear whether the query refers to Istanbul or Salonika).

26 Almosnino, *History of the Ottoman Kings*, 49; idem, *Extremos y Grandezas*, 78; A. Galante, "Documents officiels turcs concernant les Juifs de Turquie," in idem, *Histoire des Juifs de Turquie*, vol. 5, docs. 4–5 on pages 152–54; Roth, *Duke of Naxos*, 46–48; Epstein, *Ottoman Jewish Communities*, 89–91; Inalcik, *Economic and Social History,* 212.

not make it to Istanbul. Then he had to sell the sheep to the city's butchers at a fixed price, which often resulted in a financial loss. Consequently, there were frequently no businessmen willing to undertake the job—so the government would appoint wealthy businessmen from Istanbul, including Jews, to be *celepkeşan* on a regular basis.

After some Jewish businessmen went bankrupt dealing with flocks, the Jewish community made an effort to convert this obligation into a tax; the evidence does not indicate whether they were successful in doing so.

The *celepkeşan* sold the sheep to the butchers. At the beginning of the sixteenth century, much of the meat which Jews consumed was slaughtered by ritual slaughterers in the shops of Muslim butchers. Later, the Jewish butchers' quota was slaughtered by ritual slaughterers in the official slaughterhouse at times allocated to them; then the meat was handed over to the butchers.

Some of the slaughterers were also porgers (*kanadar*); sometimes the butchers did the porging; there were also many porgers who were not butchers or owners of meat shops.

The price of prepared meat was also under strict state control, which made butchering a very unprofitable profession for Muslims or Christians. For the Jewish butchers of Istanbul, however, this was not the case; because of Jewish dietary laws, Jews were ready to pay more than the official rate.

Moreover, butchering was controlled by the few people who were authorized by the Jewish community to deal in meat. This combination of a monopoly and unofficial pricing made Jewish butchers prosperous, unlike their Muslim colleagues.[27]

Jews were prominently represented in all of the occupations dealing with precious metals and stones, not only in Istanbul but all over the Muslim world. These professions were very attractive to Jews since they could accumulate reserves of capital in a transferable form that did

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[27] See above, p. 224, ref. 7; Rozen, "La vie économique," 299–301 and bibliog. in the notes. On the procedures at the beginning of the sixteenth century, see Mizrahi, *Responsa, Mayım 'Amuqım*, 20:16b. The statement in an order sent to the *kadı* of Istanbul in 1593, that in the time of Fatih Mehmed the Jews were not allowed to act as butchers (A. Refik Altınay, *Hıcrı On-Bırıncı Asırda Istanbul Hayatı* [Istanbul, 1933], 1), reflects, in our opinion, the reality of Fatih Mehmed's time; this is supported by Jewish sources (cf. Gerber, *Economic and Social Life*, 100–101). On a Jewish butcher who also traded in oxen and drove them between Istanbul and Plovdiv (now in Bulgaria) in the second quarter of the sixteenth century, see Ibn Yahya, *Responsa, Tumat Yesharim*, 74:39a

not lose its value; in a society in which wandering and dislocation were frequent, this was a great advantage. Jews were jewelers, stonecutters, goldsmiths and silversmiths.

Almosnino's description of the wonders of Istanbul reflected the importance of jewelry making in Jewish society and in the city's economy; he wrote that jewelry was the only finished product produced in Istanbul, not imported from abroad. His comment was incorrect, since other items were manufactured in the city, but it does illustrate the negative image of Istanbul as an enormous, insatiable consumer, overshadowing the city's role as a producer.

Almosnino wrote that most of the rich people in Istanbul were involved in the production of expensive pieces of jewelry inlayed with precious stones. It was a risky business with steep fluctuations that required financial resources to weather the slumps; sometimes jewelry would be sold for four times its nominal value, other times at one-third. The main purchasers were members of the sultan's court and the dignitaries around it, who purchased items for such occasions as engagements and marriages—partly to curry favor with the sultan and his circle, and partly as status symbols. At the time of an impending occasion, the demand pushed prices sky-high and any price demanded would be paid.

But when the event was over, no one was interested in buying. The merchants were reluctant to invest in an inventory of jewelry which would tie up their assets until the next occasion. As a result of the fluctuating demand and prices, jewelers were either very rich or very poor. Those who did not have enough liquidity to tide them over were forced to take apart their jewelry and sell the precious stones at a great loss; they were constantly at the edge of bankruptcy, and often sank into real poverty.[28]

A legal document drawn up some thirty years after Almosnino's literary description reflects much the same picture of a prestigious, lucrative and hazardous occupation. This was a query sent to Rabbi Yom Tov Ẓahalon regarding the ownership of a piece of jewelry of rare beauty and value. It had been made by a Jewish jeweler in Istanbul who was famous throughout Galata as both an artisan and the foremost assessor of precious stones. The jeweler had formed a partnership with a Jewish businessman from Edirne who invested 20,000 *akçe*, and later with a dealer in precious stones who invested rubies worth 47,000 *akçe*, to

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28 Almosnino, *History of the Ottoman Kings*, 178–81.

produce the magnificent piece of jewelry which was supposed to bring great profit to the partnership.

However, the jeweler's two partners did not know that he owed 20,000 *akçe* to the great lord Don Shelomoh Ibn Ya'ish, who was also the farmer of Istanbul customs. When the latter heard about the unusual piece of jewelry, he tried to get it from the jeweler as security for the debt. But the jeweler's two partners learned about Don Shelomoh's intention and, through deception, took possession of the jewelry themselves. This incident shows that although the jeweler was a great artist, he could not hold onto his business unless he had sufficient capital of his own, and even this did not insure success.[29]

The Jews of Istanbul owned gold refineries, and the refiners themselves were also Jews. The production and sale of refined gold was strictly controlled by the state in order to prevent the flow of precious metals to Persia, where prices were very high. Consequently, the refiners attempted to sell the gold through unofficial channels. This tight control made the business so unprofitable that the authorities had to force the community to designate someone to activate the refinery (*tavan akçesı*).

The farming of the minting house of Istanbul was often in Jewish hands before the settlement of the Spanish Jews, and this pattern continued through the sixteenth century. The farming was sometimes done by a single businessman, but usually by a partnership. It was a very lucrative business, but also dangerous.

The wealth it generated could and did create jealousy, and could lead to disastrous consequences for the farmer himself and for those around him, but this hardly dissuaded successful businessmen from going after this business.[30]

Another profession involved with precious metals was the *sarraf* (money changer). Since many currencies were used in the Ottoman Empire and the Ottoman currency was not the most common, a professional expert was needed to establish the value of each coin in the market; the *sarraf* was the person who did this.

At the beginning of the sixteenth century, almost all the *sarrafs* of Istanbul were Jews. *Sarrafs* were often accused of clipping the edges of the coins that passed through their hands or cheating on their weight. When the Jews tried to defend themselves against these accusations by

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29 Rabbi Yom Tov Ẓahalon, *Responsa* (Venice, 1694), 213:165a.

30 Rozen, "La vie économique," 301–307 and bibliog. in the refs.

banning the profession, the mint of Istanbul was closed altogether.[31] A related profession, money lending, was not as common among the Jews of Istanbul as it was in the cities of Christian Europe. Still, it gave people with a surplus of capital and not much initiative a convenient way to invest their money.[32]

Textile production was a typical economic activity of Jews wherever they lived. Although they had no exclusivity in these crafts, it is clear that in Istanbul they focused on the production of luxury textiles such as silk. Jews excelled especially in silk dyeing.[33] Another specialty was the soft, rich wool known in Europe as angora or mohair (*suf* in Turkish, *camellotes* in Judeo-Spanish). The raw wool was bought from the Jews of Ankara and transported by other Jewish merchants to Istanbul, where it was processed.[34] The Jews of Istanbul were also active in tanning. The hides were brought from Anatolia and the Balkans and then processed in the capital.[35]

In addition to the above professions and crafts in which Jews had traditionally been involved, the sources mention many other crafts practiced by the Jews of Istanbul in this period. There were tailors, carpenters, pharmacists, bakers, fishermen, tinsmiths, mirror makers, pearl threaders, glassmakers, blacksmiths, cannon and gunpowder makers, painters, printers and bookbinders, actors, dancers, musicians and acrobats. In short, virtually every kind of work could be undertaken by Jews.[36]

The involvement of Jews in all stages of commerce was partly related to their activities as artisans. The producer of an item was often its marketer as well. Jewish women hawked their embroidery, ribbons, decorated linen, buttons and other items in the open bazaars.[37] The most common role for a Jew in Istanbul's commercial sector was that of a small shopkeeper selling his own products or specializing in a certain

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31 HaLevi, *Responsa, Zeqan Aharon*, 158:81a (doc. 2 below). On the major role of Jews in the *sarraflık* of Istanbul in the second quarter of the sixteenth century, see also Refik Altınay, *Onuncu Asr-ı Hıcride Istanbul Hayatı*, 102.

32 Ibn Yahya, *Responsa, Tumat Yesharım*, 194:99a.

33 Rozen, "La vie économique," 311 and bibliog. in the refs. See also Dernschwam, *Tagebuch*, 107–113.

34 Ibn Yahya, *Responsa, Tumat Yesharım*, 61:33a.

35 Rozen, "La vie économique," 313–15 and bibliog. in the refs.

36 Dernschwam, *Tagebuch*, 107–113; Nicolaus de Nicolai, *Navigations*, 149; Bassan, *Responsa*, 3:2b.

37 Pierre Belon, *Les observations*, 182a–b; Ibn Yahya, *Responsa, Tumat Yesharım*, 203:102; M. And, *A History of Theatre and Popular Entertainment in Turkey* (Ankara: Forum, 1964), 22.

kind of merchandise. He would sell items which were manufactured or imported by Jews—wool, silk, brocade, velvet, buttons and other decorative items for cloth, jewelry and precious stones, spices, glass products, and all kinds of food. He kept a small inventory on hand and was satisfied to earn a moderate profit. He bought his merchandise in town from wholesalers. His shop was situated in a Jewish neighborhood or in a bazaar among shops owned by Muslims and Christians, in Hacı Paşa or Çelebioğlu or Tahtakale, or if he had a cabaret, in Balık Pazarı.[38] Jewish women also sold small quantities of textiles and fashion items from their homes.[39]

On a higher level were the large manufacturers who sold their own jewelry, high-quality textiles and other products, and large merchants who sold products made by others. Such large-scale operators were able to rent shops at the famous *Bedestan*, the heart of Istanbul's commercial district.

The settlement of the Iberian Jews considerably enlarged the Jewish presence in the *Bedestan*. In 1489, of 126 shops with coffers at the *Bedestan*, only five (3.9 percent) were occupied by Jews. After the *Bedestan* was rebuilt following the 1516 fire, of the 140 shops with coffers plus twenty-eight corner shops, eighteen (10.7 percent) were occupied by Jews. This almost threefold increase in the share of Jewish-operated businesses following the settlement of Iberian Jews reflected their increasing importance in Istanbul's commerce.[40]

The Jewish presence in the *Büyük Çarşı* (Grand Bazaar), in the streets adjoining the *Bedestan*, was even greater. Some of its guilds, such as the satin dealers, were predominantly Jewish; some, such as the silk dealers, included a large number of Jews. The Jewish shops were documented in the 1519–20 survey for assessing the revenues of the *vakıfs* belonging to the Aya Sofia Mosque.

On the eastern side of the *Bedestan* there were forty shops of goldsmiths and moneychangers; three belonged to Jews. On the northern side of the *Bedestan* there were thirty-seven shops called *Gelincik*

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38 Yérosimos, "La communauté," 130.

39 Rozen, "La vie économique," 326–27 and refs.; Belon, *Les observations*, 182a–b. On Jewish women selling goods from their homes, see Ibn Yahya, *Responsa, Tumat Yesharım*, 117:57a.

40 Inalcik, "Hub of the City," 4–12. According to Yérasimos ("La communauté," 129) only sixteen shops in the *Bedestan* were owned by Jews. See also Bassan, *Responsa*, 82:54a; this may be a reference not to a shop owned by the person mentioned, Ḥayim Sulam, but to valuable merchandise which he stored in a coffer at the *Bedestan* for *emanet* (safekeeping).

Pazarı (Bride's Bazaar), which sold dowry merchandise such as household textiles; only one of these was owned by a Jew. Adjacent to the western wall of the *Bedestan* were twenty-eight shops of ribbon-makers; four belonged to Jews.

On the southern side of the *Bedestan* were thirty-nine shops, with half of them belonging to Jews; their designation—*hirfet al-yahudiyyin* (the guild of the Jews)—does not specify their occupation, but it would be logical to assume that this was an extension of the ribbon-makers' bazaar, which sold all sorts of decorations for clothing. Very close to the *Bedestan* was the clothes bazaar, which sold silk buttons and textiles (*hirfet al-kazzazin ve al-bezzazin*); one-fourth of its sixty shops belonged to Jews.

Thus, of 204 shops outside the *Bedestan*, forty-three shops (twenty-one percent) belonged to Jews. In this less-prestigious part of the commercial heart of Istanbul, the Jews played a role that was important not only in proportion to their share of the population, but also in absolute numbers. Although there is no basis for assuming that there were restrictions against Jewish ownership of shops in certain parts of the Grand Bazaar, it is obvious that they were concentrated in specific professions and in very defined parts of the bazaar.[41]

Jewish merchants were also strongly represented in another important commercial center, the *Mahmud Paşa Dükkanlar* (Shops of Mahmud Paşa), located east of the Grand Bazaar,[42] and in the slave market to the south, commonly known as the *Esir Pazarı*.[43] The 1595–97 survey mentions two other centers of large-scale merchants in Istanbul in which a Jewish presence can be found: the *Odun Kapısı* (Timber Gate), where wholesalers of wood for construction were situated, and the *Longa*, the ancient textile bazaar in Galata, where many Jews were active.[44]

For international trade, some of the Jewish merchants of Istanbul used the services of larger entrepreneurs such as the Nasis and de Seguras, exporters and importers whose territory included the entire Medi-

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41 Inalcik, "Hub of the City," 11; Evliya Çelebi, *Seyahatname*, vol. 1, 615. Evliya does not mention the presence of Jews in the silk business, perhaps because they did not control this sector as they did the professions that he does mention. See Gerber, "The Jews of Bursa," doc. 5, on page 260; Ibn Hayim, *Responsa, Mayim 'Amuqim*, 92:147b.

42 Ẕonẓin, *Responsa, Nahalah li-Yhoshu'a*, 42:48a.

43 Mantran, "Le milieu," 140–43; Fisher, "Muscovy," 47. In view of the state's attitude toward Jews engaging in this business, his conclusion about their role at the *Esir Pazarı* is exaggerated. See also pp. 23–24 above.

44 Yérasimos, "La communauté," 130.

terranean and perhaps even Africa, southeast Asia and Eastern Europe. Others sent their representatives to the fairs in the Balkans, or to Bursa when the caravans arrived from Persia.

The larger his territory, the more money an international merchant had to invest. It was not expedient for him to specialize in one item, even if he preferred to do so. He bought and sold whatever brought him a profit.

The simplest form of international trade was the itinerant merchant who carried his merchandise with him by caravan or by ship (either owned or leased). They were very common in the first half of the sixteenth century, wandering from port to port, from one continental center to another, bartering goods, forming partnerships for specific deals, dissolving partnerships when they were no longer needed, investing money with *sarrafs*, and continuing on their way. Their main products were pearls, precious stones, drugs and spices from southeast Asia and eastern Africa; black slaves from Africa; white slaves, honey, wax, salt and furs from Eastern Europe; textiles, glass and luxury items from Europe.

The Jews of Istanbul exported wool and hides, mainly to Europe, and wine and luxury products to Eastern Europe. Istanbul itself was an enormous consumer; most of its transactions involved buying, not selling, and most of what was manufactured in the city was also consumed there.[45]

Several related factors caused an important change in the character of international commerce: it was gradually transformed into a network of international merchants who no longer traveled with their merchandise. Instead, they were associated (permanently or temporarily) with partners in other commercial centers who handled part of the arrangements for part of the profits.

The first factor was the growth in commerce between Istanbul and other parts of the world due to the emergence of the Ottoman Empire as a major world power. As the capital of this vast empire from the Indian Ocean to the Ukraine and the Danube, from North Africa to Persia, the city of Istanbul was a huge and insatiable consumer with the money to buy whatever its citizens fancied. As trade increased, so did its sophistication—evolving from itinerant traders to agents and partnerships.[46]

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[45] See p. 198 above; Mantran, "Le milieu," 178–81; Arbel, *Trading Nations*, 14, 15.

[46] Rozen, "La vie économique," 328–41; Inalcik, "Hub of the City," 8–9; idem, "Capital Formation in the Ottoman Empire," *Journal of Economic History* 24 (1969): 115, 124–32; idem, *Economic and Social History*, 215.

The second factor was the immigration of the Iberian Jews. Although Ottoman Jews were already operating in places such as Venice and Caffa, the main expansion in international trade occurred after the expulsion. The arrival of the uprooted Iberian Jews created a community of Mediterranean Jews who had relatives and friends in many trade centers; by exploiting these contacts, they increased the volume of international trade in Istanbul.

The presence of Iberian Jews among the Ottoman merchants put pressure on Venice and provided fierce competition for the Christian Italian firms in Istanbul; the result was the latter's withdrawal from the city.[47] However, Ottoman Jews still had to force their way to Italy itself to assure uninterrupted supplies of merchandise. Competition among Italian ports worked in favor of Levantine merchants (as the Ottoman merchants were called in Italy); in 1534 the Pope gave them trading rights in the town of Ancona, trying to attract the trade between Italy and the Ottoman Empire from Venice to his realm.

The second Venetian War (1537–40) between Venice and the Ottomans interrupted the trade between Venice and the Levant, most of it then going through Ancona. At the end of the war, in order to lure commerce back to their city, and also because they had to accommodate the victorious Ottomans, the Venetians officially recognized the presence of the Levantine merchants in Venice for the first time; this group became the mainstay of the trade between Istanbul and Italy.

The city of Ancona continued to play an important role in this trade; in 1547 the rights of the Levantines were expanded and extended to Portuguese Jews, who returned to Judaism there. But the heyday of Portuguese Jews in Ancona ended in 1555 when the new pope, Paul IV, annulled their privileges; twenty-four of them were burned at the stake in the town square after being tortured for months. However, this tragic event did not stop the general trend. The Levantines continued to trade in Ancona, and similar rights were given to them in Florence (1549 and 1551), Ferrara (1550 and 1559), and Urbino (1550 and 1551).[48]

Italian trade was the main arena for international Jewish merchants. Their operations were based primarily on family allegiances. Most commonly, the founder of an Istanbuli firm would send a son, a younger brother, or a nephew to Venice or Ancona to function as a jun-

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[47] On the decline of Venetian trade in Istanbul, see Bernardino Navagero (1553), in Alberi, *Relazioni*, vol. 1, 53, 101; Marino Cavalli (1560), ibid., vol. 2, 275.

[48] Rozen, "Strangers," 126–44; Arbel, *Trading Nations*, 13–28; P. Preto, *Venezia e i Turchi* (Florence, 1927). See also pp. 34–37, 44, 97–98 above.

ior partner of the firm; eventually, the Italian branch would become an independent firm. In other cases, international commercial associations were established when members of a family found themselves situated by chance in separate commercial centers.[49]

Another important basis for international trade was the *fattoria* (literally, agency). The *fattor* was a person who resided in the center with which the Istanbuli firm wanted to trade. The Istanbul firm would send merchandise to the agent, who would sell it, use the proceeds to buy other goods, and ship them to an agreed-upon destination. The agreements between merchant and *fattor* were very flexible. The *fattor* received a percentage of the value of the transaction; the percentage increased in proportion to the services he provided.

Sometimes the *fattor* obtained credit on behalf of the merchant. However, the religious prohibition against charging interest on credit forced them to use a subterfuge, the *polizza di cambio* (bill of exchange)—a document which circumvented the passage of hard coin from one place to another.

The interest was camouflaged in the exchange rate between the Ottoman and Venetian currencies. When maritime insurance was provided as well, the rate of interest was raised while being concealed in the premium for the insurance.[50] These international trading techniques enabled Jewish merchants to expand their activities both geographically and financially, and gave them an advantage over other merchants in Istanbul.

In the middle of the sixteenth century, the French traveler Nicolaus de Nicolai described the number of Jews in Istanbul as being incredibly large and their commercial activity as growing every day. He wrote that most of the commercial activity and money in the Levant were concentrated in their hands, and that they owned most of the shops and warehouses, which were full of a variety of luxurious goods.[51] It must be kept in mind, however, that the period de Nicolai described was the heyday of the empire, of Istanbul, and of Jewish international commerce there. The Italians had lost most of their trade, and the English

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49 Rozen, "La vie économique," 335–36 and refs. See also Benayahu, "House of Abravanel," in toto.

50 M. Rozen, "The Fattoria: A Chapter in the History of Mediterranean Commerce in the Sixteenth and Seventeenth Centuries" (in Hebrew), *in Miqqedem Umiyyam, Studies in the Jewry of Islamic Countries* (Haifa: Haifa University, 1981), 101–132.

51 Nicolaus de Nicolai, *Navigations*, 149, cf. Chesneau, *Le voyage de Monsieur d'Aramon*, 31.

and French had hardly started their commercial activity in the city. Moreover, de Nicolai's observations were based mainly on his tours of Galata, where most of the warehouses that traded with Christian Europe were located. Consequently, he got the impression that most of the commerce was controlled by Jews and that their number was incredible.

Many people were employed in international trade as clerks, interpreters, accountants, dealers, criers, etc. Most of them were Jews, but they belonged to an entirely different social class from that of the merchants.[52] These low-paid employees spent most of their days on the quays of Istanbul, engaged in hard work and dreaming of becoming merchants themselves.

A few international merchants became so rich that they started investing in tax and customs farming, following the example of Romaniot businessmen. They entered this field as early as 1496, only four years after the expulsion. In that year, Mordekhai Ibn Sason and his partners farmed the *mukata'a* for the docks and salt trade of the Danube ports. The price was five million *akçe*, and it is hardly surprising that Sason was unable to raise this amount. He was kept in jail until 1509; during that period he paid off part of his debt, but in order to get out of jail he had to convert to Islam.[53] This incident is hardly typical of the new generation of Iberian businessmen involved in tax farming, but it proves that this occupation could be successful only after a businessman had accumulated a great deal of liquid capital.

Romaniot Jews in Istanbul continued to be active in tax and customs farming at least until the Portuguese Jews arrived with an abundance of liquid assets in the 1540s and 1550s. In other centers with Iberian majorities, however, Iberian Jews took over this field as soon as they had accumulated enough capital, and Romaniot Jews did not enjoy any advantage over the others.

The Romaniot businessmen in Istanbul invested enormous efforts into retaining their hold on the customs farms for the ports of the Danube and the Marmara Sea. The complicated organizational work needed to recruit partners and guarantors, as well as the fierce competition, indicate that the capitalists relied on long-range economic planning. In addition, the farming of port customs was a first-rate means for

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52 Rozen, "La vie économique," 339–40 and refs.; E. Bashan, "Diaries of European Travelers as Historical Sources of Jewish Economic Life in the Ottoman Period" (in Hebrew), in I. Ben Ami, ed., *Sephardi and Oriental Jewish Heritage Studies* (Jerusalem: The Magnes Press, 1982), 448–51; Ibn Lev, *Responsa*, vol. 4, 3:1b.

53 Epstein, *Ottoman Jewish Communities*, 123–24.

gathering information on the flow of goods; accurate information was one of the most important factors in making rational and profitable investments, and these businessmen were in a good position to obtain it. All of the guarantors were merchants, and the customs farmers themselves were also traders.[54]

The Romaniots' share of the farming business shrank, especially when the House of Nasi entered the field. The Nasi family had no problem with financial liquidity; they did not need partners to raise the money for farming, and they had good connections with the Ottoman authorities.

As a result, Don Yosef Nasi acquired the *muqata'as* for the wine trade between the empire and Moldavia and Poland, for selling wine inside the empire, and for importing wax from Poland. He obtained the right to collect taxes from Naxos and the archipelagoes (along with the title of Duke); and his aunt, Doña Gracia Nasi, acquired the *iltizam* (right to collect taxes) for Tiberias and its surroundings. Together with Aharon de Segura, Don Yosef farmed the alum mines in Foça.[55] The Nasi family interests were also entangled in the crisis between France and the Ottoman Empire which culminated in 1569; from the official Ottoman point of view, this matter was also connected with the tax farming system.

After settling in Istanbul, Don Yosef Nasi tried to regain Nasi-owned financial assets that remained in France. The French claimed that the Nasis had professed to be Christians but secretly practiced Judaism, and thus had forfeited their rights to the capital.

After Selim II's accession to the throne, Nasi managed to intensify Ottoman pressure on the French; at the end of 1568, the Ottomans ordered the detention of all ships carrying the French flag in Ottoman waters until the French government released the Nasi family fortune in France.

The Ottoman position was that Don Yosef Nasi planned to buy several *muqat'as* (tax farming units) and, therefore, the unjust seizure of

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[54] On customs and tax farming after the expulsion, see ibid., 125–42; *Ottoman Documents on Balkan Jews*, ed. S. Andreev (Sofia: Cibal, 1990), 17, doc. I. Cf. Ibn Yaḥya, *Responsa, Tumat Yesharim*, 207:102b-103a (doc.20 below).

[55] Arbel, *Trading Nations*, 19, 100, 107, 177. Compare with S. Faroqhi, "Alum Production and Alum Trade in the Ottoman Empire (about 1560–1830)" in idem, *Peasants, Dervishes, and Traders in the Ottoman Empire* (London: Variorum Reprints, 1986), VI, 161. Faroqhi assumes that the evidence on alum production in these mines in 1575–76 is a historical relic; however, the evidence on the Nasi-de Segura partnership in the farming of these mines calls for a reappraisal of this statement.

his assets in France was causing great damage to the Ottoman Empire.[56] After the death of Don Yosef Nasi, other Sephardi capitalists took his place. Eventually, the Romaniot entrepreneurs lost their supremacy to the new Portuguese capitalists.

CONCLUSION

Viewed as a separate entity, Istanbul Jewry had an extremely diversified economic situation. Some of the Jews were very rich—merchants and tax farmers, court doctors, and people with close ties to the Ottoman court; they lived in stone palaces, owned slaves and maidservants, dressed in silk and velvet, and were surrounded by luxurious furniture and objects from abroad.

On the other hand, there were workers who lived from hand to mouth; they and their families dwelled in a single room of a wooden house shared with many other families. They had very little privacy, little fresh air, bad sanitation, and were constantly threatened by fires and plagues. The typical worker had only a few garments, and his furniture consisted mainly of cheap carpets. He ate meat only on the Sabbath. He would consider himself lucky if two of his ten children reached adulthood. If he himself reached the age of forty-five or fifty, he was considered an old man.

Viewed within the overall socio-economic picture of the city, the empire, and even the world at that time, other observations may be made about the economic circumstances of Istanbul Jewry. The rich spectrum of professions practiced by the Jews of Istanbul means that the economic opportunities of Istanbuli Jews were very far-ranging, not only in comparison with those of the Muslims. Although there were occupations in which Jews were more extensively represented than in others, there is no evidence of pressure or efforts made to keep members of certain ethnic groups out of specific professions. This could be

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56 On the relations of Don Yosef Nasi with the French Embassy in Istanbul and his efforts to reclaim the family fortune held in France, see Chesneau, *Le voyage de Monsieur d'Aramon*, 48, and ref.; Charrière, *Négociations de la France dans le Levant*, vol. 3, 65–71, 80–81, 83–90; Roth, *Don Yosef Nasi*, 23–32, 62–74; Grünbaum-Ballin, *Don Yosef Naci*, 121–22, 131; Arbel, *Trading Nations*, 56–69. Venetian and French dispatches from the eve of the Cyprus war actually describe Nasi's financial situation as being close to bankruptcy, which might explain the Ottoman mobilization on his behalf (ibid., 58; S. Baron, *A Social and Religious History of the Jews*, vol. 18 [Philadelphia: Jewish Publication Society, 1983], 104). Compare this affair with the section The Istanbuli Merchant Goes Abroad (above, pp. 34–37).

explained by the fact that the ethos of Ottoman society did not emphasize commerce and crafts, but rather military and administrative careers—and that, in comparison with later generations, the number of Muslims in Istanbul who were not directly connected with the ruling elite was not that great during the fifteenth and sixteenth centuries. However, since we do not have data that would allow us to calculate the ethnic changes within the guilds, this remains an unproven hypothesis.

Another possible explanation is the relative wealth the city enjoyed from territorial expansion and the inflow of booty. The existence of a ruling elite with vast financial resources could mean there was enough profit for everyone, so there was no great urge to compete for exclusivity in a particular occupation.

The activities of the Iberian Jews in the Ottoman-Italian arena may be a good case of what Philip Curtin defined as a trade diaspora. According to his definition, two main characteristics of such a diaspora are that it does not need a state to exist, and that it plays the role of cultural mediator until it undergoes changes.[57] The first characteristic seems to be completely compatible with the activities of the Sephardim in the Mediterranean world. But while it is obvious that they did not need a unifying political framework in order to carry out their activities, there is no doubt that without the specific political conditions offered to them by the Ottomans, their emergence as an important factor in international commerce would have been unimaginable.

Curtin's second characteristic of the trade diaspora relates its socioeconomic longevity to its role as a cultural mediator. The trade diaspora owed its success to the ability of its members to mediate cultural differences among the centers of their activity. In the Judeo-Spanish case, it was the overall know-how they acquired from the culture of their places of origin which allowed them to build an economic bridge to Christian Europe, where they continued to operate but now as Ottoman subjects.

Thus, they mediated the cultural differences between the two worlds; however, they did not play this role until the differences disappeared, but rather until they themselves lost the cultural characteristics that facilitated their activity. The moment they were assimilated, they lost their advantageous position and other Judeo-Spanish immigrants took over. This process was still operating at the end of the period.

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[57] P. Curtin, *Cross Cultural Trade in World History* (Cambridge: Cambridge University Press, 1984), 1–14; compare with S. Faroqhi, "Merchant Networks and Ottoman Craft Production (Sixteenth-Seventeenth Centuries)," in idem, *Making a Living in the Ottoman Lands 1480–1820* (Istanbul: Isis, 1995), 172–73.

This indeed is a very attractive theory, especially for the sixteenth century. However, it should be remembered that Judeo-Spanish prominence in this field was also molded by state activity. It was the Ottoman interpretation of the capitulations system, combined with the Ottomans' strength at that time, which enhanced and expanded the possibilities of this diaspora.[58] It would be the same capitulations system that would limit the Judeo-Spanish network in the last third of the sixteenth century, mainly in regard to the Italian states, and eventually enable its shift from Christian Europe toward the East in the late seventeenth century.[59]

The relatively impressive role of the Romaniot capitalists in the tax farming system at the end of the fifteenth century, and their abandoning of international commerce in the first half of the sixteenth century, can also be understood when viewed from Curtin's perspective. The Romaniots had already became part of the surrounding culture when the Iberian Jews arrived; they had little to offer as international merchants in comparison to others. Money alone was not enough, so they invested in farming the state's assets.

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58 See above, pp. 34–37.

59 Rosen, "Strangers in a Strange Land."

CHAPTER ELEVEN

ELITE CULTURE AND POPULAR CULTURE

CULTURE OF THE ELITE, OR ELITE CULTURE?

The endeavors of Istanbuli Jews were motivated by their intellectual or creative drive and their need to enjoy the fruits of this creativity. Some of their activities were more noble and elevated than others, bestowing honor on those who practiced them; some were expressions of baser instincts, placing the people who engaged in them in the lowest stratum of society. These activities should be viewed in the context of the value system of the Istanbuli Jewish community of the fifteenth and sixteenth centuries, with elite culture and popular culture being defined by the society of the time.

The study of existing knowledge and the development of new knowledge were characterized as noble and lofty by the people in certain fields. There were at least three fields in which such activity took place. First was the study, interpretation and dissemination of the traditional Jewish scriptures: the Torah, the Mishnah and the Talmud, later commentaries and interpretations on the Torah and other books of the Bible, and the vast legal literature created since the canonization of the Talmud. This involved the solution of legal problems on the basis of Jewish law, the solution of *halakhic* problems created by the conflict between the *realia* of Ottoman urban life and the commandments of Jewish law, and the straightforward, realistic and logical explanations of complex verses and expressions in the traditional Jewish texts mentioned above. Engaging in this area of study was open to any male Jew, according to his age and capacity for learning, and was highly extolled.

The second field was Jewish mysticism, *kabalah*: contemplation and explanation of the secrets of the universe, especially the hidden meaning of the role of the Jewish people in it. The use of methods and terms from *kabalah* to explain the traditional texts was part of this endeavor. While mysticism has ancient roots in Middle Eastern Jewish society,[1] there is no explicit evidence of anyone engaging in it in Istanbul before

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[1] *EJ*, s.v. "Kabbalah"; G. Scholem, *Major Trends in Jewish Mysticism* (Jerusalem: Schoken Publishing House, 1977), 40–79.

the end of the fifteenth century. The tradition flourished in Spain in the thirteenth century and the first third of the fourteenth century,[2] and was brought to Istanbul by Spanish scholars.

Jewish mysticism in Spain was developed by scholars in response to the Aristotelian philosophy of Maimonides. Disputes over his writings were conducted in Spain and southern France throughout the thirteenth century and into the fourteenth.[3] Eventually, an active interest in Aristotelian philosophy became a component of the social and cultural schism between the higher echelons of Jewish society and the middle and lower classes. The favorite intellectual pursuit among the Jewish-Spanish aristocracy was Averroës' commentaries on Aristotle, which spoke about an eternal universe, eternal time and eternal human existence, with no beginning and no end, no life after death, no paradise and no hell, and implied that there was no real difference between the various religions.

In fact, religion was regarded as a primitive expression of human bewilderment in face of the inexplicable universe. Averroism implied the futility of the notion of reward and punishment that was the basis of all Western religious thought; agreeing with the Averroës meant heresy according to all monotheistic religions, and in some circles Greek philosophy itself became synonymous with heresy.[4] Still, Averroistic ideas allowed the people who adopted them to convert to Christianity without many scruples. If everything existed only in the here and now, these people had no difficulty in converting from one religion in which they did not really believe to another religion in which they did not believe either. The response to such ideas was the Jewish mystical experience.[5]

In the generation immediately preceding the expulsion, mystical creativity in Spain had long since fallen from its zenith—but after the expulsion from Spain and the forced conversions in Portugal, there was a great revival of these studies in the Iberian diaspora. A widely accepted explanation for this revival, presented by Gershom Scholem and his school, was the need to explain the recent calamities and misfor-

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2 On the flourishing of *kabalah* in Spain, see *EJ*, s.v. "Kabbalah"; Scholem, *Major Trends*, 119–244; M. Idel, *Kabbalah New Perspectives* (New Haven and London: Yale University Press, 1988), 250–53.

3 On the dispute regarding Maimonides's writings, see C. Sirat, *Jewish Philosophical Thought in the Middle Ages* (in Hebrew) (Jerusalem: Keter Publishing House, 1975), 213–99; C. Touati, "La controverse de 1303–1306 autour des études philosophiques et scientifiques," *REJ* 127 (1968): 31–37; Idel, *Kabbalah*, 253.

4 Sirat, *Philosophical Thought*, 314–52; Baer, *History*, 369–72 (In the English edition, pp. 240–42)

5 Baer, *History*, 141–67, 464–67 (In the English edition, p. 240).

tunes which had befallen the Jewish people, and to find comfort on both the personal and the national levels; this need was expressed through messianic fervor.[6] Averroism was regarded as one of the sins which had brought on the calamity; thus, it was natural that the explanation sought was not rational but mystical, one that would reveal the hidden meaning of creation and reconcile the apparent inconsistencies in the universe.

In recent years, a more complex approach to the revival of Jewish mysticism has been formulated by Mosheh Idel. He tends to minimize the influence of the expulsion on the kabalistic ideology of the post-expulsion generation. He attributes the revival of this intellectual discourse not to the need for an explanation of the catastrophe or the need to find comfort in the coming redemption, but to the urgent need felt by expellees to collect the spiritual heritage of their lost world and preserve it for posterity by organizing and printing it. Another motive he stresses is the need to respond to the forms of mysticism that existed in the places where the expellees settled.[7]

The third field of study was the realm of external wisdom, often referred to as Greek wisdom—all the knowledge found outside the basic Jewish texts. It encompassed Greek philosophy, the vast literature of translations of this philosophy (a great deal of it done in the Middle Ages by Jewish scholars), and the commentary on it. The value of this intellectual activity was not a matter of common agreement; it was normatively, if not practically, considered by some scholars to be a less-important spiritual pursuit than the other two fields. It nevertheless aroused great interest, and many of the scholars who engaged in traditional Jewish learning and mysticism also studied Greek philosophy.

Unlike traditional Jewish literature (which accepted the universe as an enigma created by God that could not be explained by humans, whose role was to behave in accordance with the religious commandments), and unlike the mystical approach (which explained the universe by means of a supernatural language and grammar understood only to a

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[6] Scholem, *Major Trends,* 248–50; Y. Dan, "The Historical Perception of the Late Professor Gershom Scholem" (in Hebrew), *Zion* 47 (1982): 169; H.H. Ben Sasson, "Exile and Redemption through the Eyes of the Spanish Exiles" (in Hebrew), in S.W. Baron, B. Dinur, S. Ettinger, and I. Halpern, eds., *Yitzhak F Baer Jubilee Volume* (Jerusalem: The Historical Society of Israel, 1960), 216–27; Tishbi, *Messianism,* 66–67; idem, "Messianic Expectations and Spiritualization of Religious Life in the Sixteenth Century," *REJ* 145 (1986): 35–49.

[7] M. Idel, "Sephardic Kabalah after the Expulsion" (in Hebrew), in H. Beinart, ed., *Moreshet Sepharad. The Sephardi Legacy* (Jerusalem: The Magnes Press, 1992), 503–512; idem, *Kabbalah,* 264–67.

limited number of scholars), Greek philosophy tried to make sense of the world in rational terms. In essence, neither mysticism nor philosophy conformed with the strict traditional Jewish way of thinking, since both tried to make sense of a celestial realm meant to be veiled and unintelligible to humans.

Moreover, Greek philosophy was regarded with suspicion because it was more dangerous than mysticism to the innocent believer: it was highly attractive to thinking individuals—and unlike mysticism, it could lead to the conclusion that the practical commandments of religion were not so important. Rabbi Yehudah HaLevi's poem "Thy Words Are Immersed in Myrrh," written in twelfth-century Spain, crystallized the attitude of generations of medieval Jewish scholars towards Greek philosophy. He warned his readers: "Do not be drawn by Greek Wisdom which has no fruit but only flowers" (verse 24).

The view that the study of Greek philosophy was the major sin which led to the catastrophic events in the Iberian Peninsula should have stopped the expellees, at least, from engaging in this pursuit. It turned out, however, that it was impossible to cage the human mind—even one belonging to a truly observant Jew who left the Iberian Peninsula in order to be able to practice his religion openly.

Some scholars found explanations and justifications for their intellectual pursuits, while others considered philosophy to be a natural part of their intellectual world and felt no need to excuse or justify their behavior. We would expect to find the latter attitude only among the Romaniot Jews, who were not affected by the experiences of the Iberian catastrophe. Still, the study of philosophy was cross-cultural, and that knowledge moved freely among nations, ethnic groups and people who spoke different languages. Scholars of the 1470s and 1480s such as Rabbi Ḥanokh Saporta from Cataluña,[8] who was obviously a Sephardi, were deeply immersed in philosophy. He transmitted his knowledge to his student Rabbi Mordekhai Komotiyano (1402–1482).[9] We know

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[8] Mizrahi, *Responsa,* 57:180 (doc. 12 below).

[9] The name is derived from the town of Komotini in Thrace. On Rabbi Komotiyano, see Hacker, "Jewish Community of Salonika," 83, ref. 88; A. David, "Rabbi Mordekhai Komotiyano, the teacher of Rabbi Eliyahu Mizrahi" (in Hebrew), *Qiriyat Sefer* 45 (1970): 299; J.C. Attias, "Intellectual Leadership: Rabbanite-Karaite Relations in Constantinople as Seen through the Works and Activity of Mordekhai Comtino in the Fifteenth Century," in A. Rodrigue, ed., *Ottoman and Turkish Jewry Community and Leadership* (Bloomington IN: Indiana University Press, 1992), 67–86; idem, *Le commentaire biblique, Mordekhai Komtino ou le hermeneutique du dialogue* (Paris: Editions du Cerf, 1991).

quite a lot about Komotiyano's work; while most of his intellectual writings relate to Greek philosophy, they cannot be seen as deviating in any way from the path of Jewish philosophers who remained within the normative boundaries of religion.

One example of this was Komotiyano's book *Keter Torah*, an exegesis on the Torah, and the same may be said of his exegesis on Rabbi Avraham Ibn 'Ezra's works. These books, as well as his *Milot Ha-Higayon* (Logical Terminology), an exegesis on Aristotle and Maimonides, and his commentary on the *Guide for the Perplexed* are a rewriting and elaborating of these works adapted to the needs of the times.[10] In addition, he was the author of several works on arithmetic, the construction and repair of clocks, and the *astrolabio*,[11] as well as books on astronomy.[12] Rabbi Shalom ben Yosef 'Anavi was known as a great expert in philosophy, mathematics and astronomy. He wrote an exegesis on the *Physics* of Aristotle and translated a book on arithmetic from Arabic to Hebrew.[13] The writings of Eliyahu Mizraḥi and Rabbi Eliyahu HaLevi both substantiate the assumption that the study of philosophy was widespread and very common among Romaniot scholars.

Yet most of this activity did not in any way touch the average Jew in Istanbul, so there was a rather vast arena for scholars to engage freely in any topic of study they thought interesting until they were confronted by some practical consideration. Of course, the evaluation of one kind of intellectual activity as prestigious and the other as less valuable was sometimes a personal one, at other times a cultural-ethnic one, and sometimes a political one.

An interesting insight into the hierarchy of intellectual endeavor as perceived by Romaniot scholars such as Rabbi Mosheh Capsali and Rabbi Eliyahu Mizraḥi emerges from the bitter dispute that erupted at the end of Capsali's life over the right to teach the Karaites. The issue was undoubtedly one of political power. The Karaites were greatly interested in astronomy and arithmetic, which they needed to calculate their special calendars. They were ready to pay a large sum of money in order to master these sciences, and bestowed many honors on the Rabbanite scholars who taught them. However, a certain faction among the Rabbanite leadership wanted to deny them access to this knowledge.

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10 Attias, "Intellectual Leadership," 68.

11 A protractor used as a navigating aid by seamen until the eighteenth century.

12 Ibid., 76–80, and refs; Rozanes, *History*, vol. 1, 28–30.

13 L.J. Weinberger, *Anthology of Hebrew Poetry in Greece, Anatolia and the Balkans* (Cincinnati, OH: Hebrew Union College, 1975), 25.

This power struggle crystallized in the desire of the faction to control both the scholars (who, being poor, would be more submissive and obedient) and the Karaites (who were creditors to many Rabbanite Jews). Thus, the anti-Karaite faction claimed that it was forbidden to teach the Karaites anything, and certainly not such subjects as the Torah, the Mishnah, the Talmud, *halakhah* and *agadah*, nor the "wisdom of Greeks, may the Lord wipe out their name"—logic, physics and metaphysics, mathematics, astronomy, morals, music, and so forth.

The neither-nor phrasing of their statement implies the importance they attached to the study of Jewish Rabbinate lore in comparison with Greek philosophy and other subjects, in spite of the equal prohibition against these teachings. Rabbi Eliyahu Mizraḥi declared that while teaching Jewish studies to the Karaites might be a subject for dispute, since they were based on God's creation, Greek wisdom did not present a problem because it was a human creation that had been taught throughout history and passed from one nation to another. Furthermore, since these studies were inferior in nature, there was no point in prohibiting their teaching to others.[14] Both Romaniot and Sephardi scholars in Istanbul engaged in these studies;[15] still, they were not deemed appropriate for everyone and were often dismissed as dangerous.

When an unknown scholar declared that anyone who studied Greek wisdom was a heretic, this elicited a sharp protest from Rabbi Eliyahu HaLevi, who succeeded Rabbi Eliyahu Mizraḥi as the leader (*rav hamanhig*) of Istanbul's Romaniot community. HaLevi stated that knowledge was, in essence, free, and that the Lord had given a man eyes and ears with which to judge between right and wrong. At the same time, he recommended that his own students refrain from studying Greek philosophy. They were not educated enough, he said, and he feared that since they did not have the necessary tools for understanding this area of knowledge, they might stray from the true path.[16]

The tension surrounding the study of Greek philosophy did not dissipate even by the 1570s. During 1575, while on a visit to Istanbul, the Jerusalem poet and cantor Menahem de Lonzano wrote a book called *Derekh Ḥayim* (Way of Life),[17] a polemic against the study of philoso-

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14 Mizraḥi, *Responsa,* 57:180 (doc. 12 below).

15 Ibid., 192.

16 HaLevi, *Responsa, Zeqan Aharon,* 25:30a.

17 J.R. Hacker identified the year of the writing and publication of the book as 1575 ("Agitation against Philosophy in Istanbul in the 16th Century—Studies in Menaḥem de Lonsano's *Derech Hayyim*" (in Hebrew), in J. Dan and J.R. Hacker, eds., *Studies in*

phy at any time and by anyone.[18] He argued that even great scholars such as Rav Shemuel ben Ḥofni, Maimonides, Rabbi Levi ben Gershom, Rabbi Avraham Ibn 'Ezra, Rabbi Yosef Alvo, and Rabbi Baḥai Ibn Paqudah, "had fallen in the net of error"; therefore, the natural conclusion should be that normal people of his time should not be allowed to engage in these studies.[19]

Lonzano presented the three giants of his time—Rabbi Yosef Caro, Rabbi Shemuel de Medina and Rabbi Yosef Ibn Lev—as examples of great scholars who reached perfection without pursuing philosophy.[20] He criticized the tendency of Istanbuli scholars to declare that studying the *pesaqim* (the final decisions in *halakhic* matters accumulated by Alfasi, Rabbenu Asher, Maimonides and Rabbi Yosef Caro) was sufficient, and that studying the Talmud was a waste of precious time they could be dedicating to studying Greek philosophy.[21] Lonzano recommended studying *kabalah* in order to complete and enhance the study of the Torah itself.[22] Lonzano's criticism was, of course, based upon his own personal set of values, which can only be defined as very strict and conservative.[23] Istanbuli scholars were quite careful about the kind of knowledge that was made available to students.[24] Nevertheless, rather than being a mystical center or even a Torah center, Istanbul emerges as a center for the study of Greek philosophy.

The cultural richness of sixteenth-century Istanbuli Jewry can be seen in the output of Hebrew printing, which was introduced to the city in 1504 by the brothers David and Shemuel Naḥmias. They had been printers in Spain, and immigrated to Istanbul with Hebrew fonts and other tools of their trade; their heirs and employees were active until 1530. They were followed by Gershom Soncino and his son Eli'ezer, who operated a printing business until 1547. From 1548 onward several

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Jewish Mysticism, Philosophy and Ethical Literature Presented to Isaiah Tishby on his Seventy-Fifth Birthday (in Hebrew) (Jerusalem: The Magnes Press, 1986), 533–36; idem, "The Sephardi Sermon," 119–20.

18 Ibid., 507–23.

19 Ibid., 514.

20 Ibid., 516.

21 Ibid., 518.

22 Ibid., 521, and especially ref 58.

23 He also vehemently criticized the great poet, Rabbi Yisrael Najarah, for using temporal metaphors that defined the relations between the believer and his creator in bold terms of carnal lust (see M. Benayahu, "Rabbi Yisrael Najarah" (in Hebrew), *Asufot* 4 (1990): 221–27. See also, below, his criticism on the reading habits of Istanbuli Jews.

24 See below, pp. 254-55.

other printers were active in the city, including Mosheh ben El'azar of the house of Parnas ha-Rofe, Shemuel ben Ḥayim Ashkenazi Haliẕ, Avraham ben Shemuel Kohen Misanguani Ashkenazi, and Yosef ben Shemuel HaLevi Ḥakim.

Between 1504 and 1566, at least 126 books in Hebrew were printed in Istanbul.[25] More than anything else, their variety reflects the complex and colorful cultural world of Istanbuli Jews. It would be natural to assume that, at least in the beginning years of the industry, the printers and publishers would concentrate on publishing basic treatises of Jewish legal and *halakhic* literature. Although such books were printed, these were not the only kind. There were basic texts such as the Torah with Rashi's commentary (1505–06),[26] and several major works of the Jewish Iberian scholarly world including Rabbi Ya'aqov ben Asher's *Arba'at ha-Turim* (1504),[27] the commentary on the Torah by Avraham Ibn 'Ezra (1514),[28] a commentary by Ya'aqov ben Asher (1514),[29] the commentary of Rabbi Mosheh ben Naḥman (1522),[30] Rabbi Yiẕḥaq Alfasi's commentary on the Talmud (1509),[31] Maimonides's *Mishneh Torah* (1509),[32] and Rabbi Mosheh ben Naḥman's criticism of Maimonides's treatise on the number of commandments (1510).[33] These were meant to enhance and expand Jewish canonical studies.

Along with such basic works, many treatises of different kinds were printed. The manuscripts were brought from Spain; their publication in Istanbul preserved them from oblivion, and was probably carried out expressly for this purpose. Most of the *Midrashic* literature[34] known to us was first printed in Istanbul. It is difficult to date these *Midrashim*, but the earliest are very ancient, probably dating back to the fifth century A.D.[35] Among these were *Agadot ha-Talmud* (1511),[36] which pre-

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25 On Hebrew printing in Istanbul, see A. Ya'ari, *Hebrew Printing at Constantinople* (Jerusalem: The Magnes Press, 1967), 17–32, 59–126.

26 Ya'ari, *Hebrew Printing*, 59, no. 2.

27 Ibid., 59, no. 1.

28 Ibid., 70, no. 24.

29 Ibid., 70, no. 25.

30 Ibid., 84, no. 95.

31 Ibid., 61, no. 5

32 Ibid., 63, no. 6

33 Ibid., 66, no. 8.

34 *Midrash* is a genre of rabbinical literature constituting an anthology and compilation of homilies, both biblical exegesis and sermons delivered in public as well as legends (*agadot*) and *halakhot*, and forming a running agadic commentary on specific books of the Bible. See, *EJ*, s.v. "Midrash."

35 Ibid.

served unknown versions of the Talmud, *Midrash Rabah* (1512),[37] *Pirqei Rabbi Eli'ezer* (1514),[38] *Midrash Mishlei* (1517),[39] *Midrash Shemuel* (1517),[40] *Midrash va-Yosh'a* (1519),[41] *Midrash va-Yis'uo* (ca. 1519),[42] *Midrash Otiyot shel Rabbi 'Aqiva* (1515~20),[43] *Midrash Ḥamesh Megilot* (1520),[44] and *Midrash Tanḥuma* (1520).[45]

Some of the Gaonic works brought by the expellees in manuscript form were also first published in Istanbul, such as Rav Ḥai Ga'on's, *Shirei Musar Haskel* (1511)[46] and *Halakhot Pesuqot min ha-Ge'onim 'al Seder Mo'ed*, (1511).[47]

This generation of Hebrew printers also produced many practical books that served as guides for traditional Jewish studies and for maintaining the Jewish way of life. *Kelal Qaẓar* (1532)[48] by Rabbi Yehudah Ibn Bulat introduced the reader to the various ways of studying. Of a different but practical character were books of Hebrew grammar such as Rabbi David Qimḥi's *Sefer ha-Shorashim* (1513),[49] *Ḥeleq ha-Diqduq* (1530),[50] and *Mikhlol* (1533);[51] *Petaḥ Divrei* (1515–20);[52] Shelomoh Elmoli's *Halikhot Sheva* (1520),[53] and *Sha'ar ha-Yesod* (1536),[54] which was a Hebrew-Ladino dictionary; Rabbi David Ibn Yaḥya's *Leshon Limudim,* which was published three times over a period of thirty-six years (1506,[55] 1519,[56] 1542[57]); Rabbi Mosheh Ibn Ḥaviv's *Marpe Lashon* and *Darkhei No'am* (1510~14);[58] and Avraham Ibn 'Ezra's *Sa-*

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36 Ya'ari, *Hebrew Printing*, 67, no. 14.
37 Ibid., 68, no. 19.
38 Ibid., 70, no. 26.
39 Ibid., 76, no. 53.
40 Ibid., 76, no. 54.
41 Ibid., 77, no. 61.
42 Ibid., 77, no. 62.
43 Ibid., 78, no. 66.
44 Ibid., 83, no. 91.
45 Ibid., 83, no. 92
46 Ibid., 68, no. 17.
47 Ibid., 73, no. 45.
48 Ibid., 87–88, no. 107.
49 Ibid., 69, no. 21.
50 Ibid., 87, no. 105.
51 Ibid., 90, no. 114.
52 Ibid., 82, no. 86.
53 Ibid., 83, no. 88.
54 Ibid., 94, no. 123.
55 Ibid., 61, no. 4.
56 Ibid., 83, no. 90.
57 Ibid., 98, no. 132.
58 Ibid., 71, no. 32.

fah Berurah (1530).[59] In 1544-45, a special edition of the Torah for children containing a concise list of the Hebrew grammar rules was published.[60] Although the number of grammar books does not attest to original intellectual activity, it is certainly proof of a desire to engage in and promote Jewish studies. Another type of text that helped preserve the Jewish way of life was the Hebrew calendar and instruction book for calculating the exact Hebrew date. Among those published in Istanbul were *A Calendar for Twenty Years [1511–1530]* (in Hebrew) (1510),[61] *Sefer 'al Ḥokhmat ha-'Ibur* (1510) (on the calculation of a leap year),[62] Rabbi Yeḥiel ben Re'uven's *'Eser Yeri'ot* (astronomic calculations for ten years) (1536),[63] and calendars for the years 5302 (1541–42), 5303 (1542–03), 5304 (1543–44) and 5305 (1544–45).[64]

The encounter among culturally variegated groups of Jews stimulated the publication of collections of prayers and synagogue customs according to the practices of the various groups. This became an urgent need for non-Iberian Jews in view of the powerful influence of Sephardi practices. Thus, Eliyah HaLevi printed *Seder Tefilot ha-Shana* (The order of yearly prayers) that followed the Romaniot custom (1511),[65] and later *Seder Tefilot ke-Minhag Ashkenaz* (The order of prayers according the Ashkenazi custom) (1533).[66] This multicultural encounter also led to the publication of bilingual and trilingual versions of the Torah with translations in Greek (in Hebrew characters) and Ladino (1547).[67] Parts of the Bible that were very popular and frequently recited, such as Psalms, were published in Ladino translation (1540).[68] The Ottoman conquest of the Middle East in 1517, which made it easier to travel to the Holy Land, led to the publication of a travel guide to the holy sites (1520);[69] this was the first book of its kind for the Jewish public.

Encyclopedic works that collected and classified knowledge expressed the tendency that Idel observed among the kabalists of the time: people were compiling and preserving, rather than creating original

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59 Ibid., 87, no. 104.
60 Ibid., 100, no. 137.
61 Ibid., 66, no. 11.
62 Ibid., 71, no. 35.
63 Ibid., 94, no. 121.
64 Ibid., 98, no. 131.
65 Ibid., 68, no. 15.
66 Ibid., 90, no. 115.
67 Ibid., 102–103, no. 144.
68 Ibid., 98, no. 130a.
69 Ibid., 79, no. 73.

works. Examples were Shelomoh Elmoli's *Me'asef le-Khol ha-Maḥanot* (1530)[70] and *Sha'ar Adonai ha-Ḥadash* (1532).[71] Despite the evidence of widespread study of Greek philosophy in Istanbul, however, none of the classical translations were published; scholars and students used existing manuscripts, books published in other languages, or oral transmissions of tradition.

In contrast, the urge to reconcile faith and philosophy led to the publication of Rabbi Avraham ben Shem-Tov ben Bibagi's *Derekh Emunah* (1522),[72] which was a philosophical study on matters of the Jewish faith. Earlier classical medieval philosophic works were published, such as Rabbi Baḥai Ibn Paqudah's *Ḥovot ha-Levavot,* originally written in Arabic and translated into Hebrew by Rabbi Yehudah Ibn Tibon; this was printed together with Rabbi Shelomoh Ibn Gvirol's *Sefer Tiqun Midot ha-Nefesh* (1550).[73] Rabbi Sa'adiyah Ga'on's *Sefer ha-Emunot ve-ha-De'ot*, originally written in Arabic and translated into Hebrew by Yehudah Ibn Tibon, was published in 1562.[74] Several polemics with Maimonides were also published, such as Yonah Gerondi's *Igeret ha-Teshuvah* (1548)[75] and *Sefer ha-Yirah* (1566),[76] but controversial scholars such as Rabbi Levi ben Gershom,[77] Yiẓḥaq Albalag[78] Mosheh Narboni[79] were never published in Istanbul. Rabbi Yosef Kaspi's exegesis on the Song of Songs was finally published in 1575,[80] but his main controversial work, *Mishneh Kesef,* in which he stated that the reestablishment of a Jewish state was a secular matter that revolved around the simple fact that the lives of nations have their ups and downs, was never printed.[81]

The determination of which philosophical treatises to publish depended on the publishers' accessibility to manuscripts, the expellees' decision about which manuscripts they wanted to save, and the rabbis'

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70 Ibid., 87, no. 103.

71 Ibid., 90–91, no. 117.

72 Ibid., 84, no. 94. On his work, see A. Lazaroff, *The Theology of Avraham Bibagi A Defense of the Divine Will, Knowledge, and Providence in Fifteenth Century Spanish Jewish Philosophy* (Tuscaloosa AL, 1985).

73 Ya'ari, *Hebrew Printing,* 106, no. 149.

74 Ibid., 112, no. 164.

75 Ibid., 104, no. 146.

76 Ibid., 113, no. 167.

77 Sirat, *Philosophical Thought,* 360–76.

78 See ibid., 314–22.

79 Ibid., 339–46.

80 Ya'ari, *Hebrew Printing,* 122–24, no. 187.

81 Sirat, *Philosophical Thought,* 325–36

decision (despite their positive attitude towards the study of philosophy) to limit access to "dangerous" subjects to a few people whose knowledge and intelligence would keep them from going astray. Mathematics was considered too practical to be neglected, so a book on this subject, *Sefer ha-Mispar,* was published in 1533 by Rabbi Eliyahu Mizraḥi.[82]

Lonzano's criticism of Istanbuli scholars should not be taken at face value. The capital might have been a center for the study of philosophy, but Istanbul's book market allows us a glimpse into the areas of interest that occupied its scholars. The publication of kabalistic treatises was not limited to salvaging works brought from the Iberian Peninsula. Istanbul during the first half of the sixteenth century seems to have been a way station for scholars who resided there for a certain period, rather than a kabalistic center. Some scholars sojourned in the city in order to publish their works, others in order to find a rich sponsor, and some stopped there on their way to the Holy Land. *Ma'amar Meshare Qitrin*, the mystical exegesis on the book of Daniel by Avraham ben Eli'ezer HaLevi (1510),[83] a mystical eschatological work, was written in Serres, and thus was connected with the circle of Salonikan kabalists rather than with Istanbul—but the book found a publisher, and most probably readers as well, in the capital.[84] Rabbi Meir Ibn Gabai (1480–1540+), whose biography remains obscure, lived for a certain period in the capital.[85] His *Derekh Emunah* (Way of faith),[86] *Pesaḥ la-Adonai* (an exegesis on the Passover *Hagadah*)[87] and *Tola'at Ya'aqov* (a kabalistic exegesis of the prayers)[88] were all published in 1560. Other kabalistic works written in Istanbul in that period were published in later years.

The connection between the kabalistic circles in Safed and Istanbul's intellectual world is reflected in the publication by a Istanbul publishing house of a mystical work written in Safed—Rabbi Shelomoh Elqabeẓ's

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82 Ya'ari, *Hebrew Printing,* 90, no. 116.

83 Ibid., 66–67, no. 12.

84 On Rabbi Avraham HaLevi and the book *Meshare Qitrin,* see Rabbi Yisrael of Perugia's letter to Avraham of Perugia (1517~1523) in Ya'ari, *Letters,* 176–77; D. Tamar, "The Kabalist Rabbi Abraham HaLevi and his times" (in Hebrew), in idem, *Essays and Criticism in Judaica* (in Hebrew) (Jerusalem: Rubin Mass, 1973), 13–25; G. Scholem. "The Kabbalist Rabbi Abraham ben Eli'ezer HaLevi" (in Hebrew), *Qiriyat Sefer* 2 (1925–1926): 101–141; idem, Introduction to *Abraham ben Eliezer Ha-Levi, Ma'amar Meshare Qitrin (Constantinople, 1510)* (Jerusalem: Jewish National & University Library Press—New York: Arno Press, 1977), 9–42..

85 *EJ,* s.v. "Gabbai, Meir ben Ezekiel Ibn"; Idel, "Sephardic Kabalah," 506–509.

86 Ya'ari, *Hebrew Printing,* 109, no. 157

87 Ibid., 109, no. 158.

88 Ibid., 110, no. 159.

Shoresh Yishai, a kabalistic homiletic interpretation of the Book of Ruth (1561).[89] An intensive publishing relationship between Safed and Istanbul continued for many years.

The character of the kabalistic works published or created in Istanbul in that period was not at all uniform. Some of them contained original ideas, such as those found in Avraham HaLevi's works dealing directly with redemption and the end of the days, a theme he continued to develop extensively when he moved to Jerusalem. Others attempted to reconcile different theosophical approaches, compiling and preserving older mystical studies and presenting them in new way, as did Meir Ibn Gabai. Sometimes Greek philosophy and kabalistic terms were used at the same time in order to achieve the desired result; this can be seen in Rabbi Yiẓḥaq Caro's *Toledot Yiẓḥaq* (1518)[90] and *Ḥasdei David.*[91]

Idel writes that the expulsion did not influence the kabalistic world of the Iberian diaspora in terms of eschatological fervor. The world of Jewish mysticism includes not only *kabalah,* but also predictions of the apocalypse. It is often impossible to differentiate between an autonomous apocalyptic vision and one that is intertwined with an entire kabalistic doctrine; indeed, the two cannot be separated when dealing with mysticism. Consideration should be given to Rabbi Avraham 'Aqrish's reports on his inquiries in regard to the ten lost tribes, who have a kingdom, a government and an army, and are awaiting the proper sign to launch the redemption of their tortured brothers. 'Aqrish's anguish and hopes are reflected in stories and fall less in the category of *kabalah* than in the realm of apocalyptic fervor, but they do attest to the fact that tension surrounding apocalyptic visions played a role in the spiritual life of Istanbuli Jews who read the books and exchanged views with other scholars.[92]

Several other considerations should also be kept in mind. The sermons of a refugee like Yiẓḥaq Caro, *Ḥasdei David,* are devoted mainly to the eternal nature of the soul and its resurrection. Caro does not engage directly in the calculation and prediction of the end of the days,

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89 Ya'ari, *Hebrew Printing,* 112, no. 163.

90 Ibid., 77, no. 59.

91 See Above, pp. 102-103.

92 Introduction to a collection of treatises including: 1. *The Dispute between the Poor and the Rich*; 2. *A Song on What is Needed in a Woman to be Called Beautiful*; 3. *Words of the Physicians*; 4. *The Widow's Vow*; 5. *The Book of Amusements* by Rabbi Yosef Ibn Zabarah; 6. *Bustenai's Story*; 7. *The Kuzari*; 8. *The Book of Mevaser Tov* (Predicting good) (Istanbul, 1575~1578), Ya'ari, *Hebrew Printing,* 119–22, no. 186.

but death, agony and the need for hope in order to achieve reconciliation between the believer and his Creator cast a heavy shadow over all of his sermons. The sought-after solution, the comfort yearned for, is resurrection and redemption.

Another work that should be taken into account is the exegesis on the Book of Ruth written by Yiẓḥaq ben Yosef HaKohen and published in 1552.[93] Its aim was "to reveal the secret of redemption." HaKohen was the first to formulate the "hope for the year SH. L. H." (1575)[94] as the year of redemption; it became a strong force in promoting messianic hopes among Mediterranean Jews, especially in Italy and the Ottoman lands. While this idea was promoted mainly by Italian Jews such as Rabbi Mordekhai Dato, the anonymous author of *Sefer 'Avodat ha-Qodesh,* and Rabbi 'Azaryah de'Rossi, there is no doubt that the messianic ferment in Italy was given great impetus not only by local events, but also by the appearance and activities in Italy of personalities like David HaReuveni and Shelomoh Molkho, a direct product of the Iberian upheaval.[95]

The publication of Elqabeẓ's *Shoresh Yishai* was significant. He was one of the most important Sephardi kabalists to make an immediate connection in his prayers, poetry and commentaries between the catastrophe which had befallen his brothers and the coming redemption.[96]

The above points do not prove that groups of people engaged in mystical studies in Istanbul or that innovative and creative scholars of mysticism functioned in the city. At the same time, the publication of

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93 Ibid., 107, no. 152. David Tamar identified Salonika as the place where this work was printed and the year, 1551 ("The Expectation of the Year of Redemption SH. L. H. in Italy" (in Hebrew), in idem, *Studies in the History of the Jews in Ereẓ Yisrael and Italy* (Jerusalem: Reuven Mass, 1973), 68, ref. 43. However, Ya'ari's identification is well based, while Tamar does not substantiate his statement. On the margins of a copy of the book which belonged to the late Gershom Scholem, he wrote: "Printed in Istanbul, according to Ya'ari." I am indebted to my friend Prof. Mordekhai Pachter of Haifa University for the information on HaKohen's book and his connection with the "hope of the year SH.L.H.[5335]."

94 HaKohen calculated the numerical values of the Hebrew characters in the words of Ruth 4:6 "Ge'al lekha atah et ge'ulati" (take thou my right of redemption on thee), which added up to 1000+335, the last number being the equivalent of SH.L.H..

95 On the messianic ferment in Italy connected with the year 1575, see Tamar, "The Expectation," 11–38.

96 See *EJ,* s.v. "Elkabeẓ"; R.J.Z. Werblowsky, "A Collection of Prayers and Devotional Compositions by Solomon Alkabts" (in Hebrew), *Sefunot* 6 (1962): 135–82; M. Benayahu, "Devotion Practices of the Kabbalists of Safed in Meron" (in Hebrew), ibid.,14–17; R.J.Z. Werblowsky, *Joseph Karo, Lawyer and Mystic* (Oxford: Oxford University Press, 1962), 19–20, 51, 99–111, 119, 142.

mystical works dealing with redemption, either as kabalistic treatises or as purely apocalyptic literature, should make us cautious when evaluating the impact of the expulsion on the mystical world of Istanbuli scholars. It would be difficult to underestimate the traumatic effect the expulsion must have had on Istanbuli mystics, whether unoriginal or unimportant or non-apocalyptic in their approach. This discourse takes on different dimensions when other Jewish centers are included; however, given the time and place we are discussing, this is the picture that emerges from the documentation.

The readiness of Istanbuli publishing houses to print kabalistic literature is in itself proof that there were potential readers for books of this type. At the same time, it is noteworthy that the surge in publication of this literature during the mid-sixteenth century and thereafter paralleled the increased printing of philosophical literature. This efflorescence can be explained by the rise in the standard of living of the Jewish community of Istanbul—or it may be evidence of the growing tension between these two branches of Jewish spiritual activity in the city.

Now that we have discussed the fields and issues that occupied those who moved in the intellectual circles of Istanbul, we need to learn who these people were, their social status, the relations among them, and how they earned a living.

We know little about the fate of Romaniot scholars in Constantinople during the conquest, but there is evidence that some were forced to leave the city and later returned; this was the case with Rabbi Mordekhai Komotiyano and Rabbi Shalom ben Yosef 'Anavi.[97] Other Romaniot scholars, such as Rabbi Efrayim ben Gershon, settled in the city after the conquest.[98] Rabbi Meshulam and Rabbi Abayei,[99] and Rabbi Eliyahu HaStipyoni of İştip,[100] were active in the city in the years before the expulsion from Spain, as were Rabbi Menaḥem Tamar[101] and

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97 Hacker, "Jewish Community of Salonika," 83, ref. 88; Weinberger, *Anthology*, 25–26, 202–205; idem, *Poetry*, 30–32.

98 Hacker, "Jewish Community of Salonika," 80–82, addenda 2, 26–29; Rabbi Efrayim ben Gershon, *Sermons* (in Hebrew), British Museum, MS 370 in Margolioth Catalogue.

99 Sambari, *Divrei Yosef*, 390 (Rabbi of the Eğriboz congregation); Hacker, "Jewish Community of Salonika," addenda 3, 3, 21–24; Weinberger, *Poetry*, 31, 364–67.

100 Hacker, "Jewish Community of Salonika," 85, ref. 95; 88, ref. 100; A.M. Haberman, "The Poems of Rabbi Eliya bar Shemuel from Stipo" (in Hebrew), *Studies in Honor of Hanokh Albek* (in Hebrew) (Jerusalem: Mosad ha-Rav Kook, 1963), 160–76; Weinberger, *Poetry*, 320–26.

101 Hacker, "Jewish Community of Salonika," 90, ref. 106; Weinberger, *Anthology*, 25, 205–207.

the famous Rabbi Mosheh Capsali,[102] and later, Rabbis Eliyahu Mizraḥi and Eliyahu ben Benyamin HaLevi.[103]

Iberian scholars such as Rabbi Ḥanokh Saporta of Cataluña[104] and Rabbi Gedalyah Ibn Yaḥya[105] began to settle in the city even before the expulsion from the peninsula, but the great influx of Iberian scholars started after the expulsion. An abbreviated list of scholars who settled in Istanbul between 1492 and 1520 includes Rabbi Avraham Ḥayun,[106] Rabbi David Ibn Yaḥya,[107] Rabbi Yiẓḥaq ben Yosef Caro,[108] Don Vidal Benvenisti,[109] Rabbi Avraham Ibn Ya'ish,[110] Rabbi Yehudah Ibn Bulat,[111] Rabbi Shelomoh Taitaẓaq and his son Rabbi Yosef,[112] Rabbi

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102 See above, pp. 66–74

103 See above, pp. 76–77; Weinberger, *Poetry,* 34–35.

104 See above, p. 247.

105 Died in Istanbul in 1488. His book, *Shalshelet ha-Qabalah,* was published in Venice 1587. (Montefiore MS 362,16b). On Ibn Yahya and his book, see A. David, "Gedalia Ibn Yahia, auteur de *Shalshelet ha-Qabbalah,*" *REJ* 153 (1994): 101–32.

106 J.R. Hacker, "R. Yosef Hayyun and the Generation of the Expulsion from Portugal" (in Hebrew), *Zion* 48 (1983): 281–314; cf. Tishbi (*Messianism,* 39), who disputes Hacker's contention on the chronology of the family, claiming (as did others before him) that it was Yosef who left Portugal before 1497 and died in Istanbul. From the afterword to Yosef Hayun's book (*Milei de-Avot* [Exegesis on Tractate Avot] [Istanbul,1587]), it is clear that it was Avraham Hayun, a relative of Yosef Hayun (his grandson married Yosef Hayun's daughter), who left Portugal before the forced conversion and died in Istanbul in 1500. See also Hacker, "Letters on the Expulsion," 68, 88–95. Hayun's book, *Amarot Tehorot,* was published in Istanbul ca. 1515–1518 (Ya'ari, *Hebrew Printing,* 79, no. 67)

107 On his grammar books, see above, p. 246. Another book on dietary laws, *Hilkhot Trefot,* was published in Istanbul ca.1515–1518 (Ya'ari, *Hebrew Printing,* 79, no 71). On his other works, see Rozanes, *History,* vol. 1, 89–90. A letter he wrote to the Romaniot *gevir,* Rabbi Yesha'ayah Misini, around 1500 is kept in the *Bibliothèque Nationale* [Paris], Hebrew MS 1202, 149a–b. See also Mizrahi, *Responsa,* 37–8:89–102; Hacker, "Jewish Community of Salonika," addenda 19, 89–90; idem, "Letters on the Expulsion," 71–72, 95–97.

108 See above, pp. 102–103, 105–108, and more in Rozanes, *History,* vol. 1, 95–100; A. David, "Rabbi Yiẓḥaq Caro" (in Hebrew), *Sinai* 66 (1970): 367–71. I found no evidence to support Rozanes's contention that Caro's brother Efrayim and nephew Yosef joined him in Istanbul, although it is logical (see Rozanes, ibid., 69, 96). In Rabbi Yosef Sambari's *Divrei Yosef,* on which Rozanes based his assumption, there is no evidence to that effect (cf. S. Shtober's edition [Jerusalem: Ben-Zvi Institute, 1994], 256).

109 Rozanes, *History,* vol. 1, 100.

110 Mizrahi, *Responsa,* 15:34; 92:282.

111 Died in 1550. Aside from his book *Kelal Qaẓar* (1532) on the ways of learning (see above, p. 252), his *Sermon for Passover* was published in 1524 (Ya'ari, *Hebrew Printing,* 86, no. 99); see also Mizrahi, *Responsa,* 15:34, 92:282; Y.S. Spiegel, "Something on the Work of Rabbi Yehudah Ibn Bulat" (in Hebrew), *'Alei Sefer* 9 (1982): 168–72.

112 Rozanes, *History*, vol. 1, 122; Rabbi Shelomoh 'Atiyah, *Exegesis on the Book of Psalms* (Venice, 1549), intro.; Sambari, *Divrei Yosef,* 257.

Yiẓḥaq Dondon,[113] Rabbi Shelomoh Altabib,[114] Rabbi Mosheh ben Shem-Tov Ibn Ḥaviv,[115] Rabbi Shelomoh Elmoli[116] and Rabbi Tam Ibn Yaḥya.[117]

The constant influx of scholars from various backgrounds, each with his own ego, caused continuous disputes and strife among them. Matters of customs and practice, and questions of legal interpretation, immediately turned into struggles for prestige and power. At first the tension was between the Romaniot scholars who came with the *sürgün,* and the spiritual leaders of the native Romaniot community, over differences in customs and prayer.[118]

Disputes also emerged between the local Karaite scholars and their immigrant colleagues regarding relations with the Rabbanite scholars in town. The immigrant scholars were ready to study with the Rabbanites, which gave rise to the fear that they would be led astray from Karaite ways.[119] Other disputes developed among the Rabbanite scholars themselves, especially the Romaniots, over the attitude to take toward the Karaites; the issue was power more than anything else.[120] With the influx of so many Iberian scholars, a series of disputes arose between them and the Romaniot rabbinical establishment. Despite Rabbi Mosheh Capsali's attempts to impose his authority over them, it was clear that they intended to adhere to their traditions and would not accept Romaniot supremacy.[121]

Fifteen years after the Ottoman conquest, there was already a circle of scholars dedicating their lives to Jewish studies in Istanbul. Around

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113 Rozanes, *History,* vol. 1, 122; Yahya, *Responsa, Tumat Yesharim,* 146:71b, 176:91a–92b; Sambari, *Divrei Yosef,* 257, 390

114 Mizraḥi, *Responsa,* 10:25.

115 Hacker, "Letters on the Expulsion," 76–77, 86.

116 Rozanes, *History,* vol. 1, 100–101; see above, p. 252, 254.

117 One of the most important scholars in the first decades of the sixteenth century. He was the son of David Ibn Yaḥya (1470–1542), a leading scholar in his own right, and one of Suleyman the Magnificent's physicians. On his work, see Rozanes, *History,* vol. 2 (Sofia, 1937–38), 6–8. Tam Ibn Yaḥya's *Responsa, Oholei Tam,* was published with that of his son under the name *Tumat Yesharim* (Venice, 1622).

118 Hacker, "Jewish Community of Salonika," 90, ref. 106. See also S. Assaf, "Responsa and Letters of Rabbi Mosheh Capsali" (in Hebrew), *Sinai* 5 (1935): 150–55; Rabbi Yosef Colon, *Responsa* (Venice, 1517), 83–87; Rabbi David Conforti, *Qore ha-Dorot* (Berlin, 1845), 28b.

119 Hacker, "Jewish Community of Salonika," 74–76; Danon, "The Karaites," 168–69; J. Mann, *Texts and Studies in Jewish History and Literature* (Philadelphia: Jewish Publication Society, 1935), vol. 2, *Karaitica,* 297, ref. 78; P.F. Frankl, "Karaitische Studien," *MGWJ* 31 (1882): 270–72.

120 See above, pp. 72–73; Attias, "Karaites."

121 See above, pp. 73, 76.

1465–67, Rabbi Menaḥem Tamar described his life as a student and young scholar in Istanbul: "I was still sitting in tents, associating with the wise and learned...I was still serving scholars...until I left my youth. I have grown up, and am twenty years old, and still wake up early in the morning to stand at the gates of scholars."[122] Each congregation strived to maintain a house of study and support a number of students.[123] The period of Rabbi Eliyahu Mizraḥi's tenure as *rav ha-manhig* (Leading Rabbi) in Istanbul was marked by a substantial deterioration in the scholarship of the Romaniots. According to Mizraḥi, this was because his flock grew too rich and self-satisfied, and thus became more interested in worldly matters than in scholarship.[124]

The immigration and settlement of the Iberian scholars created new study groups which continued the scholarly tradition of Spain. But most of them were destitute; they had lost not only their earthly belongings, including precious books and manuscripts, but often their families as well. This combination of physical and emotional hardship among the Iberian scholars, plus the lack of books, had a substantial adverse effect on rabbinical studies and on the education of the younger generation of immigrants. Consequently, when the Naḥmias brothers set up their publishing house in Istanbul, their activity was greeted enthusiastically by both Romaniot and Iberian scholars.[125] At the same time, it is interesting to note that of the thirty-two known sponsors of books printed in the city during the years 1504–30, only nine were of Romaniot origin; all of the others were Iberian Jews.[126] Although this apparently demonstrates that not only the newcomers were committed to disseminating knowledge,[127] the striking disproportion seems to substantiate Mizraḥi's statement that his flock "had grown fat and lazy."

The purchase of books in Istanbul increased as time went on and the immigrants had surplus money with which to buy such luxuries. While

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122 Hacker, "Jewish Community of Salonika," 90, ref. 106.

123 Rabbi Eliyahu Mizrahi, "Sermon" (in Hebrew), Columbia, MS X893D443, 6a, 9a; Hacker, "Jewish Community of Salonika," addenda 7, 51–53; Mizrahi, *Responsa*, 57:176 (doc. 12 below).

124 See ref. 123, Mizrahi, "Sermon" above; Rabbi Menahem Tamar, *Exegesis on the Book of Esther*, Bodleyian Library, Oxford MS 353 in Neubaur Catalogue, 64b; Hacker, "Jewish Community of Salonika," 148.

125 Ya'ari, *Hebrew Printing*, 17–21.

126 Ibid., 19.

127 The first book published by the Nahmias brothers, *Arba'at ha-Turim*, was sponsored by the Romaniot Leading Rabbi Eliyahu ben Binyamin HaLevi, who did the proofreading and wrote the concluding words. Ya'ari, ibid., 59, no. 1.

the first books printed in Istanbul were subsidized by philanthropists who were interested in helping revive Jewish studies in the city,[128] the second generation of printers financed most of their books themselves as business investments, expecting to find enough buyers to make the venture profitable.[129]

Since wealth was the measure of status, the economic situation of Istanbuli scholars indicated their standing in the eyes of society. Did this society feel that the scholars (who were, to paraphrase a Hebrew saying, devoted with all their heart and soul to the study of Torah) merited a level of material compensation that reflected an elevated social status? While we do not have enough information to draw a detailed picture, what we have is enough to substantiate a situation that persisted for generations to come. The circumstances of the expellees were very difficult. For example, scholars like Rabbi Yiẓḥaq Caro and Rabbi Yehudah Ibn Bulat sold small booklets of their printed writings in the synagogues of Istanbul in order to help make ends meet.[130]

Of great help in reconstructing the world of scholars of Iberian origin is Rabbi Yiẓḥaq ben Avraham ʻAqrish's introduction to *Sheloshah Perushim ʻal Shir ha-Shirim* (Three Commentaries on the Song of Songs), printed in Istanbul ca. 1575-1578.[131] ʻAqrish described a life of great poverty, yet dedicated to learning. He wandered from Spain to Naples to Salonika to Cairo. He studied for several years in the house of study of Rabbi David Ibn Zimrah, who supported him. Almost everything he managed to earn he spent on copying the rare books and manuscripts in Ibn Zimrah's library. When Ibn Zimrah moved to Jerusalem in 1553, ʻAqrish moved to Istanbul, where he lived in poverty though supported by the *kira* Esther Ḥandali. In the catastrophic fire that destroyed a large part of the city (1569), he lost his house and a great many of his books; he had to move to another neighborhood, Kastoria, although most of its residents were Romaniots.

As ʻAqrish's account illustrates, life was not easy for talmudic scholars in Istanbul. Renowned scholars such as Rabbi Yosef Taitaẓaq were brought from Salonika and supported by wealthy patrons like Mosheh Hamon.[132] Some scholars obtained adequate support when Doña Gracia Nasi established her house of study in 1554–55. She recruited Rabbi

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128 Ibid., 17–21

129 Ibid., 21–24.

130 Ibid., 103; Spiegel, "Yehudah Ibn Bulat," 169.

131 Yaʻari, *Hebrew Printing*, 122–24, no. 187.

132 Rabbi Yosef Taitaẓaq, *Responsa*, intro., 22.

Yosef Ibn Lev of Salonika to head the institution, which became an important center of learning.[133] The society around the Istanbuli scholars was aware of the importance of their endeavors, and wealthy Jews regarded support of the scholars as a noble act. Nevertheless, the scholars were never well off, yet they were required to live up to the expectations of their patrons when rabbinical backup was needed.[134]

Unlike in the Ashkenazi world, where a rich father would tend to look for a bright young scholar as a desirable match for his daughter—especially if the father was a self-made man—[135] Istanbuli scholars were regarded as good matches for the daughters of scholars, not for the daughters of rich merchants.[136] Enhancing a family's pedigree with erudite sons-in-law was not perceived to be as desirable as augmenting the family's good name by marrying its daughters to grooms from wealthy families. Such girls enhanced their brothers' status as worthy matches for rich brides. Erudition was appreciated—but it had no great value in daily life, which was very temporal and pragmatic. Istanbul was not a spiritual community; it was the capital of an empire, where the wealth and commerce of the world converged, where goods were bought, sold, pawned, worn and consumed.

Thus, to a great extent, the culture of the scholars was not the culture of the elite; the highest socioeconomic echelon of the community was interested in other matters. Istanbuli scholars had developed an elite culture and saw themselves as an elite; this perception was cultivated by a small group of people who were convinced of the importance and noble character of what they were doing—but it did not translate into high status in the eyes of the socioeconomic elite and of society as a whole.

Between the Saintly and the Profane

Poetry is an expression of the spiritual creativity that is common to both elite culture and popular culture. It bears mentioning here mainly because of the changes it underwent from the pre-expulsion era through our period and beyond. Byzantium was fertile soil for the creation of genuine Jewish-Romaniot liturgy.[137] Whether the poets who composed

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133 See *EJ*, s.v. "Lev"; Rozanes, *History*, vol. 2, 77–78, 80, 82, 89–91.

134 See above, pp. 81–82, 97–98.

135 Katz, *Tradition and Crisis*, 169–70; idem, "Marriage," 32–34.

136 See above, pp. 120–27.

137 The Romaniot liturgy was collected and studied by L.J. Weinberger in two important works, *Poetry* and *Anthology*

this religious poetry were also active in writing secular poetry is unknown. The most important Romaniot poet in the sixteenth century, Shelomoh ben Mazal-Tov, wrote religious poetry as well as love songs and songs for weddings and other occasions.[138] If this diversity characterized the work of poets in former generations, it is difficult to believe that no shred of evidence has survived. Shelomoh ben Mazal-Tov's work should thus be seen as a turning point as well as a bridge between Romaniot culture and Iberian-Ottomanized culture.

In the second half of the sixteenth century the center of Jewish liturgy in this part of the world moved to Palestine, where Rabbi Yisrael Najarah became the prominent composer of both religious and secular poetry. His religious poetry was of such a bold, lascivious character that in certain circles it was considered blasphemous. While Romaniot liturgy was undoubtedly looked upon as part of its authors' canonical scholarly activity, Najarah's work was alternately accepted and rejected by the religious world—and also moved between the Muslim-Ottoman world and the Jewish world in a way that foreshadowed the cultural fortunes of Ottoman Jewry.[139]

Popular Culture

The Book Market

Hebrew printing allows us to penetrate yet another layer of Jewish cultural life in Istanbul: the expressions of spiritual and psychological needs not directly connected with theoretical study. Many of the books printed during this period catered to an audience wider and more popular than that of the professional scholar or student—for example, those who wanted to know about the history of the nation, perhaps in an entertaining form.

In 1517, a book was published[140] that combined several stories allegedly revolving around the history of the Jewish people. Written in

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[138] See above, pp. 128–29. Tova Be'eri suggests his origins were in Trani in southeast Italy; thus he belonged to the old Byzantine Jewry—but because of strong Sephardi influences on his poetry, she classifies him as a Sephardi poet. (See T. Be'eri, "Shelomo Mazal-Tov and the Beginnings of Turkish Influence on Hebrew Poetry" (in Hebrew), *Pe'amim* 59 (1994): 65–76, esp. pp. 68–70, and additional bibliography there.

[139] On Najarah and his work, see above, p. 250, ref. 23 and A. Tieze and J. Yahalom, *Ottoman Melodies Hebrew Hymns. A 16th Century Cross-Cultural Adventure* (Budapest: Akadémiai Kiadó, 1995).

[140] Ya'ari, *Hebrew Printing*, 75, no. 51.

the style of a legend,[141] the book told: the history of Moses[142] and the story of his brother Aaron's death;[143] the apocryphal stories about Tovi ben Toviel, the upright man from the tribe of Naphtali and his encounter and struggle with the devil;[144] and the story of Enoch,[145] another apocryphal tale, about a righteous man who entered paradise without feeling the pangs of death. The book included the story by Eldad HaDani[146] about the Ten Lost Tribes of Israel. According to HaDani, the Ten Tribes were leading an independent and courageous life on the other side of the Sambatyon River, which raged all week long and rested only on the Sabbath day. At the end of days, according to the legend, the river would rest on a weekday and the tribes would emerge to redeem their oppressed brothers from their enemies. The story is intended to respond in an imaginative way to the psychological needs of a dispersed nation.

The parables of Sindbar,[147] included in this book, hold a central position in international medieval literature. They are known in hundreds of manuscripts and publications in many European languages. Their origin was probably in India or Iran; the Hebrew version is one of the oldest among the oriental editions, which preceded their appearance in the West. Sindbar's tales have no relevance to Jewish history; they are meant to give pleasure, inspire, teach a moral, and so forth.

The book includes other entertaining writings such as Izopiti's riddles,[148] Solomon's parables and more. It is a strange mélange of legends connected with protagonists of Jewish history, imaginary geography, eschatology and romance. The only element these stories have in common is that they are entertaining.

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141 J. Dan, *The Hebrew Story in the Middle Ages* (in Hebrew) (Jerusalem: Keter Publishing House, 1974), 137–41.

142 A. Jelinek, *House of Study* (in Hebrew) (Jerusalem: Bamberger and Wahrmann,1938), room no. 1, 21–22, 115–29; room no. 2, 7–10; room no. 6, 21–23, 71–78; H. Scwartzbaum, "The Falasha Legend on Moses's Death and its Hebrew, Arabic and Slavic Parallels" (in Hebrew), *Yed'a 'Am* 11 (1966): 51–57.

143 Jelinek, *House of Study*, room 1, 19, 91–95.

144 An apocryphal book included in the Septuagint and Vulgate in the canon. See *EJ*, s.v "Tobit, Book of."

145 *EJ*, *s v* "Enoch."

146 A legendary traveler and storyteller who lived in the ninth century. See Dan, *Hebrew Story*, 47–61. Shelomoh Morag identifies his provenance from Nagaran in Yemen See idem, "Eldad Haddani's Hebrew and the Problem of his Provenance" (in Hebrew), *Tarbiẓ* 66 (1997): 223–46; see also the vast bibliography there.

147 Dan, *Hebrew Story*, 113–21.

148 See A.M. Haberman, "Set a Riddle and Set a Fable" (in Hebrew), *Sinai* 26 (1950): 311–59, and bibliog., p. 359, ref. 2.

Two years later another anthology of the same genre appeared. Entitled *Liqutim ve-Ḥiburim,*[149] it included several *Midrashim.* One, called *Alpha-Beta de-Ben Sira,*[150] is a series of biting, satirical stories that present important biblical heroes as hypocrites. Although this uncomplimentary presentation could be considered amusing by non-believers, its publication was rather odd in a society that was recovering from a major trauma and struggling to fortify its ideological and social condition. At the same time, it may reflect the existence of non-orthodox and skeptical elements in this society.

Liqutim ve-Ḥiburim also includes a version of Eldad HaDani's book, and a later version of the story about the Ten Tribes as told by the legendary Priest John. The Christian version of the story was aimed at proving the superiority of Christianity over Judaism; Priest John's Christian kingdom was the one endowed with great warriors, and the Ten Tribes were subjugated to him.[151] What strikes the reader of *Liqutim ve-Ḥiburim* is the strange combination of stories—some entertaining, some satisfying the longing for the messiah, some making the reader doubt, indirectly, the foundation of his belief.

Around the year 1520[152] *The Story of the Ten Martyrs* was published. Like many of the stories in the two anthologies mentioned above, this is a legend constructed from the Jewish historical experience, though not necessarily reflecting a specific historical event. Written in the Early Middle Ages, it recounts the martyrdom of ten rabbinical scholars brutally killed by Romans.

The scholars were destined to die as punishment for the loss of faith in the reconstruction of the Temple and for the selling of Joseph by his brothers (the ten scholars were to bear the punishment of the Ten Tribes). The martyrdom of the scholars incorporated the destruction of Rome; for the medieval Jew as well as for the sixteenth-century Istanbuli Jew, Rome represented the Christian world.

Thus, *The Story of the Ten Martyrs* was satisfying to the reader for several reasons. It provided a logical explanation for the current tribulations of people who felt they were righteous and God-fearing: sins perpetrated by former generations were to be atoned for by punishment of the present generation. It provided hope for the future: the wrongs done to the martyrs would bring about the ruination of their tormentors. The

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149 Ya'ari, *Hebrew Printing*, 77, no. 60.
150 Dan, *Hebrew Story,* 69–78.
151 Ibid., 61, and bibliog., p. 268.
152 Ya'ari, *Hebrew Printing,* 80, no. 75.

gruesome descriptions of torture catered to the darker side of the readers' human nature, as do today's scenes of violence in films.

Another book, *The Story of Judith,* translated from Latin into Hebrew and published around 1552, is in the same category.[153] This apocryphal book was very popular in Christian Europe, where the character of Judith, who gave herself to Holophernes in order to save her city, became a symbol of self-sacrifice—the ultimate Christian ideal.[154] The narrative combines all the elements of a good story: mortal danger to the whole community, sex, sacrifice, vengeance and salvation.

Two other works, *The Prince and the Hermit* by Avraham HaLevi ben Ḥisdai (1518)[155] and the *Treatise on the Nocturnal Women*[156] by Avraham Yiẓḥaq HaLevi (ca. 1520), have no connection whatsoever with Jewish historical themes. The first is a Jewish version of the Indian story of Buddha's wisdom,[157] while the second relates the story of female demonic creatures who lurk at night to strangle little babies. The Hebrew phrase for nocturnal women (*Nashim Leiliot*) not only means women of the night, but is also the name of a demonic creature, *Lilith,* the female embodiment of the devil (who is very active at night). Although part of a popular and not necessarily Jewish belief, *Lilith* became a very important component of Lurianic *kabalah*, being part of the powers of evil that hamper the struggle to purify and redeem the universe. Thus popular culture paved the way for a new elite culture that flourished a little later in Safed.[158]

Of great interest is the publication of the Hebrew translation of a Spanish book, *Amadis de Gaula* (1539),[159] by the physician Ya'aqov

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153 Ibid., 107–108, no. 153

154 Consider, for example, the scene of Judith and Holophernes on the marble floor in the Cathedral of Siena.

155 Ya'ari, *Hebrew Printing,* 76–77, no. 57.

156 Ibid., 80, no. 74.

157 Dan, *Hebrew Story,* 29.

158 On *Lilith* and her role in popular Jewish culture and Lurianic *kabalah*, see Ya'abez, *Torat Hesed,* on Psalms 127, 54b; see also above, p 109, ref. 36; Lamdan, *A Separate People,* 25–26. (In the English edition, 19–23); Scholem, *Elements of the Kabbalah and Its Symbolism* (in Hebrew) (Jerusalem: Bialik Institute, 1980),149, 152, 297, 302–303, 386, 403; G. Scholem, "New Chapters on the Subjects of Ashmedai and Lilith" (in Hebrew), *Tarbiẓ* 10 (1958): 160–75. See also J. Dan, "Samael, Lilith and the Concept of Evil in Early Kabbalah," *AJS Review* 5 (1980): 17–40..

159 Ya'ari, *Hebrew Printing,* 96, no. 128. For the Spanish version, see Arturo Souto's edition, *Amadis de Gaula* (Mexico: Porrua, 1969). A scholarly edition in English was published by B. Behm and H.C. Behm (Lexington: University Press of Kentucky, 1975). A Hebrew scholarly edition was published by Z. Malakhi (Tel Aviv: Papiros, 1981).

ben Mosheh de Algavah. Its origins are in dispute, but it is essentially a European novel of chivalry that contains material from the Celtic Arthurian romance along with Iberian elements. There are disagreements on whether Gaula is Gaul or Wales; but these are unimportant to our subject. *Amadis de Gaula* is a story about the victory of true love which endures suffering, heartbreak, temptations, trials and ordeals. It is simultaneously an opportunity for catharsis and a guide to chivalrous behavior. Algavah believed that the book would be very useful since it would give his readers an understanding of the ways of the world, politics, negotiations, and so on, while presenting "great and incredible stories, such as the business of wars and heroic enterprises of famous people, and the business of love, and the history of great kings...."

Nevertheless, it is obvious that its main purpose was to entertain—or at least to teach the male reader the ways of the ideal male nobleman, and the female reader how a lady should comport herself. The book, which enjoyed wide popularity, was first available in Spanish and Portuguese editions; the fact that it was translated into Hebrew as well indicates that it was also meant to cater to the non-Iberian Jewish public. Its prevalence in Jewish Ottoman society can be seen in the numerous romances of Don Amadi in the corpus of Jewish-Spanish *romanca*s and sung until the 1950s throughout the post-Ottoman world.[160]

Rabbi Menaḥem de Lonzano, a cantor who was also a prolific poet in Jerusalem in the second half of the sixteenth century, wrote a book called *Tovah Tokhahat* (Good is the reproach) during a visit to Istanbul in 1573–74. It was included in his great work, *Shetei Yadot* (Two hands), published in Venice in 1618. He painted an excellent portrait of daily life in the Jewish Ottoman society of his time, and described the debauchery and frivolity—men trimming their beards in the European style and indulging in gambling. He complained about the ways of the Jews, who did not study the Torah even on the Sabbath and were "drawn to words of falsehood like Amadis and Palmerin Silistri,[161] stories of wars among Gentiles, of adjutants and knights and fire...."[162]

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[160] M. Attias, *Spanish Romancero* (in Hebrew) (Jerusalem: Ben-Zvi Institute,1961), 94: *Arboleras*; 114–116: Ay buen Conde, ay buen Conde; 142–143: Entrar quiere el mes de Mayo; Y. Levi, *Romances and Spanish Folk Songs* (in Hebrew) (Jerusalem: Author's edition, 1959–1973), vol. 1, 10; vol. 2, 14; vol. 4, 12.

[161] A legendary British knight. See below, ref. 163.

[162] *Tovah Tokhahat* (in Hebrew) (Venice, 1618), 135; cf. Malakhi's edition, 25; A.L. Frumkin and E. Rivlin, *History of the Scholars of Jerusalem* (in Hebrew) (Jerusalem: Solomon Printing, 1929), vol. 1, 134–45, and especially, 143–44; J.R. Hacker, "Agitation", 533–36.

The extent to which the ideal of European chivalrous culture was popular in sixteenth-century Ottoman Istanbul is striking. This is apparent not only in the *romancas* imported and transmitted through the generations, especially by women, but also in popular Iberian literature. The reference to Palmerin and Amadis does not simply prove that Lonzano knew about their adventures; it is apparently taken directly from *Don Quixote de la Mancha,* where Dr. Belianis discusses whether Palmerin of England or Amadis of Gaula is the superior knight.[163]

Original Hebrew poetry was also published in Istanbul; one example is the famous book by the medieval Jewish poet Imanuel HaRomi, *Maḥbarot 'Imanuel* ('Immanuel's Books) (1535),[164] a very temporal book of love poetry. Part of a book written by the Istanbuli poet Shelomoh ben Mazal-Tov, *Songs, Lyrics and Praises* (1545),[165] is also devoted to secular love songs. The *maqamah* called *Milḥemet ha-Ḥokhmah ve-ha-'Osher* (The war of wisdom and wealth) by Yehudah HaLevi ben Shabetai (ca. 1543),[166] and another *maqamah, Matanat Yehudah Sone ha-Nashim* (The present of Judah the hater of women) (1543),[167] are meant to entertain in one way or another.

In contrast, the famous itinerary of Rabbi Benjamin from Tudela (1543),[168] and *Sefer Yoḥasin* (Book of pedigree) written by Avraham Zakut in 1504 during his sojourn in Tunis on his way to the Holy Land and published in 1566,[169] are of a different style and purpose. They are not in the realm of legends, novels, *romancas* or other kinds of poetry. They purport to be non-fiction, describing true geographical scenes and relating true historical events. They are entertaining, but also answer the need for knowledge—a different urge altogether. *Mefasher Ḥalomin* (The interpreter of dreams) by Rabbi Shelomoh Elmoli (ca. 1550),[170] and *Toledot Adam* (History of man) by Rabbi Eliyahu ben Mosheh Galinah, on the art of deciphering the physiognomy (1515),[171] can be classified somewhere between mysticism and popular culture.

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163 Miguel de Cervantes, *El ingenioso hidalgo Don Quijote de Lamancha* (Madrid: Espasa-Calpe, 1967), vol. 1, 55.

164 Ya'ari, *Hebrew Printing*, 93, no. 119.

165 Ibid., 101, no 142, and see above, pp. 129–30.

166 Ibid., 99, no. 133.

167 Ibid., 99, no. 134.

168 Ibid., 100, no. 135

169 Ibid., 113, no. 169 On Zakut and his book, see *EJ*, s v. "Zacuto, Abraham ben Shemuel" and an extensive bibliography at the end of the entry.

170 Ya'ari, *Hebrew Printing*, 106, no. 150

171 Ibid., 73, no. 43.

Many of the books discussed here were printed a relatively short time after the founding of Hebrew printing in Istanbul. Despite the trauma, the sense of loss and the grief associated with the destruction of their world, the expellees needed this kind of literature (as did the local Jews). Although a moral justification for reading these books could be found, most of the people who read them were probably looking for something other than a buttress for moral values. They were mainly seeking the pleasure derived from reading a good story, be it amusing, frightening, sad, soothing or exiting. Some were looking for solutions to their personal problems, which they hoped to find in books such as *Interpreter of Dreams* or *The History of Man*, just as modern readers do. Neither the publication nor the consumption of such books was considered an admirable or noble activity by either the suppliers or the consumers, yet even in this market there was a popularity rating.

Relating legends about the history of the people is an actitivy that could hardly be criticized, yet the translator and publisher of *Amadis de Gaula* felt obliged to justify his endeavor. In the end, however, there was no connection between the way a book was perceived by certain segments of society and its popularity. *Amadis de Gaula* might have been despised by a scholar like Menaḥem de Lonzano, but it sold well and people knew it by heart.

The Performing Arts

Jews were very well represented among Istanbul's musicians, actors, dancers and artists,[172] perhaps more than in proportion to the city's population. Yet, unlike among Italian Jews who gave their children lessons in music and dancing,[173] the performing arts were not an integral part of an ordinary Jew's education in Istanbul; they were taught these skills only if they belonged to families who were professionally involved in those activities. We do not know how a Jewish merchant family would have reacted if a son or daughter expressed a desire to

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[172] For example, in the procession held in 1539 in honor of the circumcision of Sultan Suleyman's sons, Jewish artists participated with a gigantic dragon whose seven heads emitted fire (I. Başgöz, " The *Waqwaq* Tree in the Turkish Shadow-Play Theatre: Karagöz and the Story of Esther," in A. Levy, ed., *The Jews of the Ottoman Empire* (Princeton: The Darwin Press, 1994), 549.

[173] On the performing arts among Italian Jews, see B.C. Roth, *The Jews in the Renaissance* (in Hebrew) (Jerusalem: Bialik Institute, 1962), 223–74; S. Simonsohn, *History of the Jews in the Duchy of Mantua* (Jerusalem: Qiriyat Sefer, 1977), 656–77; M. Rozen, "La vie économique," 319–20, and the related references.

become a professional dancer or dancing instructor, for example. Still, it is difficult to imagine an Istanbul rabbi delivering a eulogy for a relative and praising his talents as a dancer and musician, as Rabbi Yehudah Arieh Modena of Venice did at the funeral of his brother-in-law.[174] The fact that performing arts were practiced only professionally does not place them solely in the economic realm, excluded from the category of culture. They fulfilled a non-material human need akin to reading for pleasure. The performances were enjoyed by Jews and non-Jews alike.

There were two reasons for the prevalence of these professions among Jews. Most of the performers were of Iberian or Italian origin;[175] they came from a culture that looked upon music and theater as not only a noble expression of human creativity, but also as part of the curriculum of a learned and well-bred person.

In Istanbul, the arts became confined to a circle of professional performers because of the surrounding Ottoman Muslim culture; in the Ottoman ethos, the performing arts were considered the lowest professions, unbefitting a respectable person.[176] No self-respecting free Muslim would have allowed his daughter to become a dancer; female dancers were usually slave girls bought and trained for that purpose. Female performers among free people were almost always of *zimmi* origin—Greeks, Armenians and Jews.[177]

The Muslims who engaged in the performing arts were mainly Gypsies, who were viewed as outsiders no matter what their religion. While male Muslim performers were connected with professional guilds—certain Janissary divisions, religious orders, educational institutions, or the imperial court,[178] which gave them social legitimacy—performing artists from other religious groups operated, as far as can be ascertained, as free agents who performed for anyone who was interested in hiring them. Among Jews, it seems that they were hired especially for weddings and other familial religious festivities,[179] and less frequently for private banquets, usually held outdoors.

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174 Leon Modena, *Life of Judah,* trans. and ed. M. Cohen (Princeton: Princeton University Press, 1988), 103.

175 See Belon, *Les observations*, 199b–200a.

176 Inalcik, *Economic and Social History,* 44–45.

177 Gerlach, *Tagebuch,* 157

178 Guillaume Postel, *De la république des Turcs et là où l'occasion s'offrera, des meurs et loys de tous Muhamedistes* (Poitiers, 1552) 17–19, 23–24. For pictures of Gypsy dancing girls in Istanbul, see M. And, *Istanbul in the Sixteenth Century,* 276–77; idem, *History of Theatre,* 26.

179 HaLevi, *Responsa, Zeqan Aharon,* 213:112a–b.

There were entire families of Jewish artists throughout this period and beyond, as well as performing groups organized around leading artists.[180] Rabbi Eliyahu Capsali describes the career of a musician named Avraham Shandor whose family members, men and women alike, were musicians and dancers. Arieh Shemuelevitz, who edited the history of the Ottomans in Capsali's book, suggested reading Shandor's name in French as Chanteur. This could indicate that the man was a singer (although Capsali's description alludes to the musician's brilliance in playing all sorts of instruments), and imply that he, his family and his music had a French origin.[181]

However, the Hebrew letter *shin* can be read not only as /sh/ but also as /s/. Thus the name may also be read as Sandor or Santor, and this points to a different performing art. The *santur* (Turkish) is a well-known musical instrument similar to the *kanun*, placed on a stand and played with wooden mallets. The strings of the *santur* are made of still, and its sound is similar to that of a piano. The *santur* is found in southern Asia, the Middle East and southeastern Europe. It was known in Muslim Spain in the eleventh century, but its most ancient versions may be seen in Babylonian reliefs dating from 1600 B.C.E. It is still of great importance in traditional Turkish, Iranian and Iraqi musical ensembles.[182]

Thus, the musician described by Capsali may not have been a singer, but rather a performer of instrumental music—and his family and his music may not have originated in western Europe. Another possible interpretation of his name is the Italian *sonatore*, which means a player of some instrument in general;[183] in that case the suggestion of a European origin is more acceptable.

Avraham the santur player, or *il sonatore,* was active in the time of Mehmed the Conqueror (1453–1481); he played for the enjoyment of the sultan, and in return was showered with honors and money.[184] The

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[180] On Jewish performers in Istanbul during the seventeenth century, see, for example, Evliya, *Seyahatname,* cited by M. And, *History of Theatre*, 130–34; idem, *Culture, Performance and Communication in Turkey* (Tokyo: Institute for the Study of Languages and Cultures of Asia and Africa, 1987), 106–11, 125–26, 151–56.

[181] Capsali, *Seder Eliyahu Zuta,* vol. 1, 91.

[182] J. Redhouse, *Redhouse Yeni Turkçe Ingilizce Sozluk* (Istanbul: Redhouse Yayınevi, 1968), s.v. "Santur"; "Santur," Microsoft® Online Encyclopedia 2000, http://encarta.msn.com.

[183] See, for example, Annibale Carraci's (1560–1609) engraving "Sonatore in Piazza" in the collection of Kenneth Sparr, Nynashmn, Sweden, http://home3.swipnet.se/~w~39526/carracci.htm.

[184] Capsali, *Seder Eliyahu Zuta,* vol. 1, 90–93; and see more below, p. 280.

German Salomon Schweigger mentioned Istanbuli Jewish harp and lute players whose music sounded strange to his ear.[185] Stephan Gerlach, who resided in Istanbul in 1573–1588 as chaplain of the Imperial embassy, described in detail the entertainment provided by three Jewish musicians at a wedding he attended. They played a violin, a small drum and a Turkish tambourine, and sang in Turkish.[186] There was no dearth of individual Jewish musicians and songwriters who were also performers—the most famous being Shelomoh ben Mazal-Tov in the middle of the sixteenth century, who left a large collection of songs for various occasions.[187]

Leisure Time

Enjoyment of the arts requires leisure time, and this leads us to ask what the Jews of Istanbul did in their spare time. When we speak of spare time, we mean any time that is not devoted to generating income or taking care of basic needs. Our knowledge of this aspect of Jewish life in the period is far from extensive, so we have to piece the details together one by one.

An exceptional source of information on Jewish leisure time is Rabbi Mosheh Almosnino's *Extremos y Grandezas de Constantinopla*. He described various types of people whose common denominator was their lack of spare time. He observed that the majority of the people worked long hours most days to provide for their families and satisfy their needs. Observant Jews (who were, in his opinion, the majority of the community), attended services at the synagogue three times a day—for morning (*shaḥarit*), afternoon (*minḥah*), and evening (*'arbit*) prayers—as well as on the Sabbath and Jewish holidays. Some fasted twice a week, on Mondays and Thursdays, intoning prayers of supplication. On the eve of the new moon (the first day of the lunar month), they would fast and pray all day.[188] In other words, an observant Jew who had free time dedicated it to the performance of his religious duties. However, it is difficult to ascertain whether the picture Almosnino portrays was characteristic of wide circles of Jewish society.

Nonetheless, attending synagogue was certainly not the way a person spent his time if he was connected with the sultan's court or those who

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185 Salomon Schweigger, *Reyssbeschreibung aus Teuschland nach Constantinopel und Jerusalem* (Nürnberg, 1608 [facsimile: Graz: Rudolf Neck, ed., 1964]), 207–208.

186 Gerlach, *Tagebuch*, 157.

187 See above, pp. 128–29 and below, p. 284.

188 Almosnino, *History of the Ottoman Kings*, 187–88.

had access to it.[189] The observant Jews Almosnino described must have been artisans and shopkeepers who lived and worked in close proximity to their congregational synagogue. Anyone associated with the ruling elite or with any form of international trade, on the other hand, worked far from his place of residence and would not be able to assemble with his fellow congregants for organized prayer services. He would pray in private if at all, as Almosnino observed.[190] People who belonged to this socioeconomic stratum did not have much free time that could be spent resting or engaging in pleasurable activities. In the palaces of sultans and ministers there was no opportunity for a break in a regular working day, and even attending a banquet or a feast was considered work. High Ottoman officials did not like to eat and drink with their business associates, although they would offer food and drink to them.[191]

The only free time that an ordinary Jew had was on Sabbath afternoon; he might spend it by reading, singing in the company of his family, or just resting. The higher classes found time for other means of recreation, sometimes on the Sabbath day[192] and sometimes on Jewish holidays (which were not devoted only to prayer and complete rest). Almosnino described yet another group of people who did have a great deal of free time at their disposal: they did not study, and their business activities were rather dubious. Thus, their normal routine would be viewed as recreation by others.[193]

The foregoing recreational habits are very much suggestive of today's Istanbul Jewry. Eating, drinking and pleasant conversation in the company of friends was an important component of the leisure culture of male society; good food and good wine are reoccurring elements in Almosnino's descriptions.[194] It was only natural that Istanbul's inhabitants would take advantage of their city's beautiful environs for trips and picnics. Indeed, these were popular leisure-time activities among both Jews and non-Jews. We have no specific details about this kind of recreation apart from the fact that it existed. Rabbi Mosheh Almosnino's narrative[195] points out the obvious fact that the level of such excursions depended on the financial means of the participants.

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189 Ibid.
190 Ibid., 177–79, 187.
191 Ibid., 178.
192 See Lonzano, *Tovah Tokhaḥat*, 135
193 Almosnino, *History of the Ottoman Kings*, 177–78, 188.
194 Ibid., 170–74, 178.
195 Ibid., 177.

Another popular pastime was card games, which were usually accompanied by gambling for money. In spite of the restrictions on these games in some congregations,[196] it seems that men (and most probably women as well) were very fond of them, even to the point of addiction. At the end of the fifteenth century (1488), the Karaite scholar Kalev Apendopoulo wrote a satiric poem on the misfortunes of the gambler:

He who tosses the dice, wounds himself afresh;
His end is disaster, his name cursed at the city's gates.
He wastes his money, and disobeys his creator;
He adds swearing and lies to his sin,
And thinks he will win, but he never does;
He will never know prosperity, tasting only bitterness,
He will wander from city to city,
Never finding a place to rest.
Poor and young he will leap o'er the mountaintops,
Returning broken and in the vales of depression.
On Passover and Tabernacles he will yearn for Purim,[197]
His hair disheveled, his clothes torn
He will do evil to himself and others.
He will eat hastily, without a blessing,
And on the Day of Atonement, he will not fast.
By his family hated, the day of his death
In song will be celebrated.
By the company of a man who defiles his own soul
Be not drawn my son;
Toward your Creator strengthen your heart,
To his saintly name adhere.[198]

The prevalence of card games among the Jews of Istanbul clearly emerges from a discussion about their prohibition in a congregation of newcomers from Cordova. When the congregational leaders tried to require compliance by an itinerant merchant who prayed in their synagogue, Rabbi Eliyahu Mizraḥi pointed out that the regulation was not common to all congregations—and even if it had been widespread, he would have discreetly waived the ban for the merchant in order to avoid a quarrel.

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196 Mizrahi, *Responsa,* 13:29–30 (doc. 4 below).

197 Purim is the only Jewish holiday on which gambling is permitted and even considered to be a traditional part of the celebration, which includes becoming tipsy and confused from drink, wearing fancy dress costumes, and so forth.

198 *Avıner ben Ner* (unpublished manuscript, seen by Rozanes in St. Petersburg library) also published in *Sefer Orah ve-Sımhah* (Livorno,1786) and cited by Rozanes, *History,* vol. 1, 50.

Family events were opportunities to spend time in an extended social framework. Occasions such as as engagement and betrothal ceremonies, weddings, circumcisions, redemption of the first-born and the birth of a female child were built around a festive meal, and music and dancing were the usual custom at weddings.[199]

Certain ceremonies were specific to the female members of the extended family and their friends. A kind of women's party called an *al-musama*[200] was held on the Sunday night before a wedding; the main entertainment was *romancas* sung by the guests themselves. The bride's dowry (*ajuar*, consisting of bed linen, clothes and jewelry) was displayed just before the wedding at an event called *preciado*. Another occasion for celebration was the ceremony of cutting the baby's first diaper, the *fajadura*, which took place at the end of the fifth month of pregnancy.[201] Each trip to the public bath was a social event; all the women in the household would go together and arrange to meet other female friends there. The female members held circles of hospitality, with other women sometimes invited. On such occasions the mistress of the house would offer her guests the best meal she could, displaying her best tableware, and wearing her best clothes and jewelry.[202]

State events were another opportunity for popular recreation and enjoyment. Events related to the imperial family, military victories or a sultan's coronation were all reasons for a gala parade. The parade included not only the colorful imperial entourage but also delegates of all the guilds (who presented gifts to the sultan), all the ethnic communities, and companies of singers, musicians, dancers, actors, clowns, acrobats, conjurors, wrestlers and the like.[203] People of all ethnic groups, all ages and both sexes would stake out a good place where they could watch the parade. Although these did not take place very often, they were an integral part of the cultural life of Ottoman Istanbul.

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199 For the various customs connected with these ceremonies, see Attias, *Romancero*, 38–47; D. Benvenisti, *The Jews of Salonika in the Last Generations* (in Hebrew) (Jerusalem: Qiriyat Sefer, 1973), 50–64.

200 The origin of the word is unclear. One explanation is that it derives from the Arabic *al-musam* (night of the feast). The other is that it is a distortion of the Hebrew words *'Alamot Shamah*, which means "girls are there." The /sh/ and /s/ were often interchanged among Judeo-Spanish speakers (see Benvenisti, *The Jews of Salonika*, 53).

201 Ruso-Katz, "From Pregancy to Redemption of the Firstborn Son", in Yuhasz, ed., *Sephardi Jews in the Ottoman Empire*, 256 (In the English edition, p. 256).

202 See above, p. 219–20.

203 Almosnino, *Extremos Y Grandezas de Constantinopla* (Madrid, 1638), 57–58; M. And, *Istanbul in the Sixteenth Century*, 157–67; idem, *History of Theatre*, 118–30.

CONCLUSION

The most striking conclusion from the picture described above is that Istanbuli Jewish society was very diversified in its cultural tastes, needs and habits. The society ranged from celebrated scholars and mystics who dedicated their lives to studying spiritual matters (often understood by few people other than themselves) even at the expense of their livelihood, to people who had sufficient leisure time and money with which to indulge in pastimes such as reading for their own amusement, eating and drinking with friends at home or in public places like taverns and coffeehouses, or relaxing in resorts in the outskirts of Istanbul. They played cards, listened to music, and did whatever any other Istanbuli of means did for recreation and pleasure during the fifteenth and sixteenth centuries. Jewish culture in Istanbul was, in a way, a microcosm of the Ottoman culture around it.

CHAPTER TWELVE

RELATIONS WITH OTTOMAN SOCIETY

WAYS AND MEANS OF CONTACT

One of the most significant divisions among the various religious-ethnic groups in the Ottoman capital was between the world of men and the world of women. The separation of private space in a way that denied women access to cultures others than their own meant that each ethnic group was segregated within its own borders, even more than religious differences called for. While Turkish, Greek, Armenian, Western and Jewish men met in the bazaar, at the port or in the palace, they never met Turkish women. The Ottoman ethos dictated that any aspect of life not connected to making a living was to be conducted inside the family, within the religious group.

At first, the Romaniot Jews, with more than one thousand years of Greek tradition behind them, did not share this concept, and neither did the Iberian Jews. Over the generations, however, the Turkish-Muslim social norm permeated the empire's Jewish society, and it became common practice among the Jews as well. Buttressed by the segregation of women, the separate existence of each religious group became both a stereotype and an ideal—and not only in private life.

How did these diverse groups live together in relative harmony? One possible factor was Ottoman tolerance. Another could be the fact that each group accepted its place in society, did not try to mingle with the other groups, and did not strive for positions which did not fit its socio-political status.[1]

An example of the segregation of the various ethnic groups is the way the Judeo-Spanish language has been preserved over the centuries. The norm was that decent Jewish women, especially from the middle class, were not supposed to speak Turkish. At home, people always spoke their own distinct language, unintelligible to an outsider. This

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[1] On Ottoman tolerance, see Inalcik, *The Ottoman Empire*, 150–51; Levy, *The Sephardım*, 14–19. On Ottoman tolerance enhanced by practical considerations, see Lewis, *Jews of Islam*, 135–42; Benbassa and Rodrigue, *Juifs des Balkans*, 58–60. On differentiation meaning tolerance, see Gibb and Bowen, *Islamic Society*, vol. 2, 206–33. On differentiation as the basis of coexistence, see Shaw, *The Jews*, 43–44.

ensured that marriage would be within the group, and helped the group keep its ranks closed.[2]

However, the situation was somewhat more complicated than it may seem at first glance. When men from different religious and ethnic groups had contact with each other for business or other purposes, they influenced each other. In addition, such relationships were not limited to business matters. Members of the royal household and high officials in the government who had dealings with Jewish doctors or dignitaries close to the Ottoman court, for example, did not break off contact with them when their business was finished.

Jews in these circles behaved, dressed and lived in the same manner as Muslims, but they knew their place. They knew they owed their status to the benevolence of the sultan, or to one of his viziers, or to a powerful *kadın*—and if they forgot, reality reminded them. They were exposed to the Ottoman culture, and the Ottomans were exposed to some aspects of Jewish culture. A vivid example of this complicated relationship is depicted in the sermon given in 1518 by Rabbi Yosef ben Meir Garson on the death of the court physician Rabbi Yosef Hamon during the reign of Selim I. Garson spoke imaginatively of Hamon's twenty-five years of service under Bayezid II and Selim I, recounting the intimate nature and concomitant perils of his relationship with them, and the mutual understanding each party had of the other's culture.[3] Even though it is likely that Garson invented much of what he said in the sermon, the state of mind of these people is clear: they were very close to kings and viziers, yet their status was precarious; the danger went along with the intimacy.

The relationships of high-profile sixteenth-century Jews with the higher echelons of the Ottoman elite were not interpreted by Jewish society as friendship but as work, despite the intimacy involved in these interactions, which is very telling.[4]

Of course, there were the countless contacts between Jews and non-Jews for economic purposes—with partners, clientele, borrowers, ven-

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2 On the usage of Judeo-Spanish, see Benbassa and Rodrigue, *Juifs des Balkans*, 133–36. The use of Turkish by Jews is very rarely documented, not only because it was rarely spoken, but also because it was not considered *bon ton* among Jews. See, for example, Ibn Lev, *Responsa*, vol. 3, 4:3a. See also Rabbi Yosef ben Mosheh mi-Trani, *Responsa* (Lvov, 1861), vol. 2, 244:46a, responsum from 1619, containing evidence of a Jew who translated a conversation held with a Turkish sailor to a Jewish woman "because she did not know the language of Turkey," and compare with ibid., 33:51b.

3 Benayahu, "Sermons," 192–93.

4 Almosnino, *History of the Ottoman Kings*, 178.

dors, and so forth. But not all intercourse between Jews and others was necessarily on the economic level. Rabbi Eliyahu Capsali's descriptions of the way Sultan Mehmed used to disguise himself as an ordinary man and roam about the Jewish quarter to listen to the songs of artists such as Avraham Santur might owe much to Capsali's imagination; nevertheless, these tales reflect the reality of Muslims coming to the houses of Jews in order to listen to their music, and the fact that Jewish musicians performed in the sultan's court.[5] In Rabbi Eliyahu Mizraḥi's responsum concerning the ban on teaching Greek philosophy to the Karaites, he mentioned that it was well known that Jewish scholars taught philosophy to whoever wished to learn—Karaites, Christians and Muslims. It is reasonable to assume that such contacts were not limited to an exchange of knowledge.[6]

On a totally different level is the tale related in *Seder Eliyahu Zuta* about the young Jewish boys who were bitten at the court of Rabbi Mosheh Capsali, as punishment for and warning against their relations with members of the Janissary corps stationed in Istanbul. Although the nature of these relations was not specified in the text, their definition as prostitution alludes to homosexual relations.[7]

In light of the above, it would seem that relationships between Jews and non-Jews took place only among men; however, this was not the case. In the first half of the sixteenth century, Jewish women were still European enough to go out freely with unveiled faces. Some Jewish women from the lower classes made a living by buying needlework from Muslim women, whose movements outside the home were restricted, and reselling it in the market. Obviously, the relationships between the Jewish women and other women could not be limited to buying and selling.[8]

In the higher echelons, the situation was similar; there, too, Muslim women used relationships with non-Muslim women as channels to the outside world. Women in harems used the services of a *kira,* a Jewish woman who bought and sold for them.[9] Ogier Ghiselin de Busbecq wrote of meeting a Jewish lady in Istanbul who spoke Spanish and was described as a friend of the wife of the Grand Vizier Rüstem Paşa.[10] As

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5 See Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 90–98.
6 Mizraḥi, *Responsa*, 57:176 (doc. 12 below).
7 Rabbi Eliyahu Capsali, *Seder Eliyahu Zuta*, vol. 1, 82–83.
8 See p. 219–20 above and ref. 12 below.
9 See pp. 204–207 above.
10 Ogier Ghiselin de Busbecq, *The Turkish Letters*, 145.

in the world of men, however, such intimacies were accompanied by great dangers.[11]

Another source of contacts between Jews and non-Jews took place in mixed residential areas, especially in the poorer neighborhoods where privacy was rare or unknown. Many families shared common facilities such as an oven or a well in the middle of a courtyard, a location which was considered private enough for a decent woman to visit. Earlier, we described an incident in which a man was found dead near a homogeneous Jewish quarter whose residents appealed unsuccessfully to the city's entire Jewish community to share the fine with them. The residents of a poorer, mixed neighborhood boasted that if it had happened in their quarter, they could have avoided payment of part or all of the fine because their Muslim neighbors would have intervened for them with the authorities.[12]

Jewish Assimilation of Ottoman Mores

Language

To what extent were these contacts reflected in Jewish mores in Istanbul in the first half of the sixteenth century? One of the most important cultural influences is the language of the majority group. Whereas most Jewish women did not know Turkish, there is no doubt that most Jewish men had a sufficient command of Turkish for handling their day-to-day affairs outside the home; some were even fluent in Turkish. Short phrases in Turkish appear in the responsa, especially when cited from a Turkish witness.

Among themselves, on the other hand, Jews apparently spoke Turkish rarely, if at all. The Hebrew sources are full of citations in Judeo-Spanish, which was spoken among Jews, but very few quotes are in Turkish. The only Turkish citation we found was in a deathbed declaration by Eli'ezer Sironi in 1617, relatively late in the period under discussion. Sironi was apparently a wealthy Romaniot Jew, and Eliyahu Ḥefez Nasi and Gavriel Kohen witnessed the will. The document was in

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11 See above, pp. 204–207.

12 See pp. 214–15 above. See also Ibn Lev, *Responsa*, vol. 3, 4:3a–b, in which a Jewish family, probably from Edirne, describes an intimate relationship with a Muslim family from Gelibolu. The conversation between the women was conducted in Turkish. This hearsay testimony is almost the only documented evidence we have of such close relations between Turks and Jews.

Hebrew, but the conversation was in Turkish, which served as a common language for three people from different linguistic backgrounds.[13]

The Jews in Istanbul tended to have names of Greek, Iberian or Hebrew origin; Turkish names were not common. In fact, only three names of Turkish origin were popular in the Jewish community, and all were women's names: Kadın, which means woman; Sultanah, a translation of the Hebrew Malkah or the Spanish Reina; and Jamilah (Camila), which means beautiful.[14]

The Turkish names Aslan (lion), Menteşe and Hocabeğ, which appear often in the Ottoman poll tax registers from 1455, never appeared in any of the Hebrew sources. This might indicate that Aslan was a translation of Arieh, and was either volunteered by the Jewish taxpayers to facilitate procedures (as were the other names), or an arbitrary decision by the Ottoman clerks. This is possible because most Jews had biblical names with which the Ottomans had some acquaintance. In either case, this shows how the Turkish language was sometimes used to overcome an obstacle.[15] A rare example of a Turkish male name in this period might be Rabbi Sinan of the congregation of Ishtipol.[16]

The Ottomans' familiarity with biblical names derived from the Islamic tradition and the fact that the Ottoman Turks themselves very often used such names. The Turkish sources spelled the same name differently for Muslims and Jews; for example, Yosef was written Yusuf for a Muslim and Yasef for a Jew. The Hebrew name Avraham was Abraham for a Jew, but Ibrahim for a Muslim. The Hebrew name Eliyahu was Eliya for a Jew, Ilyas for a Muslim. These differences reflect not only the different ways in which these names were pronounced by the religious groups, but also the fact that the majority did not wish to eradicate the differences.[17]

Knowledge of the spoken Turkish language entailed daily contact with the Ottomans and some understanding of their culture. To achieve

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13 Bassan, *Responsa*, 23:14a–b.

14 Of the 354 names of females buried in Hasköy cemetery between 1582 and 1647, five were Kadın, six were Sultanah, and three were Jamilah.

15 On Turkish first names for males, see Inalcik, "Ottoman Economy," 514. Not one of the tombstones of males interred in Hasköy cemetery between 1582 and 1647 bears a Turkish first name. In the seventeenth-century tax records which we checked, every Jewish male had a Hebrew first name (sometimes with the Turkish pronunciation given for biblical names.)

16 Mizrahi, *Responsa*, 82:261 (doc. 6 below)

17 See an example in Refik Altınay, *Onuncu Asr-ı Hıcrıde Istanbul Hayatı*, 83, 155, 57, and any of the *tahrır defterleri* cited above in Table 1, p. 51.

a deep understanding of this culture and absorb more than its superficial characteristics, however, required fluency in both spoken and written Turkish. Rabbi Mosheh Almosnino, who was intensely interested in everything concerning the Ottoman state, apparently spoke very little Turkish. When he wanted to substantiate his information on the Ottoman dynasty, he asked a local Istanbuli friend, who knew the language and the script, to translate the *Tevarih-i Osman* for him. Being a Salonikan rabbi and scholar, he simply did not need to be fluent in Turkish; most of the Salonikans were Spanish Jews, and most of his contacts were with his coreligionists. But in Istanbul, the king's city, the language was all-important and some Jews had more than just a basic knowledge of it.[18]

The Bodleian Library in Oxford contains a Hebrew transliteration of the first part (up to 1421) of the *Tevarih-i Osman*.[19] The manuscript was produced at the beginning of the sixteenth century by an Iberian Jew who knew Turkish but not Arabic.[20] The popularity of this book was a natural outcome of the fact that the Spanish Jews did not know much about the Ottomans and wanted to know who they were, how they behaved, and what to expect from them.

Thus, it is obvious that in the first half of the sixteenth century, certain Jewish men were educated in the Turkish language to the extent that they could absorb more than what everyday life might offer to the speaker of a foreign language. In the final analysis, however, Turkish was a foreign language for the Jews of Istanbul at that time.

Performing Arts

An interesting point of contact between the two cultures was located in the performing arts. Whereas from the Byzantine period we have only liturgical poetry to which Greek tunes were adapted,[21] Ottoman Jewish Istanbul was an active breeding ground for both popular-secular poetry

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18 See above, pp. 41–42.

19 Bodleian Library, Heb. mss. 63; described by A. Neubauer, *Catalogue of the Hebrew Manuscripts in the Bodleian Library* (Oxford, 1906), 357; H. Ethe, *Catalogue of the Persian, Turkish, Hindustani and Pushtu Manuscripts in the Bodleian Library* (Oxford, 1930), vol. 2, 1355. See also F. Babinger, "Altosmanische Anonyme Chronik in Hebraischer Umschrift (Mit zwei Abbildungen)," *Archiv Orientalni* 4 (1932), 108–111. The manuscript was transcribed into Latin letters by U. Marazzi, *Tevarih-i Al-i Osman Cronaca anonima ottomana in trascrizione ebraica* (Napoli: Istituto Universitario Orientale, 1980).

20 See Marazzi, *Tevarih-i Al-i Osman*, ix.

21 Weinberger, *Poetry*

and liturgy to which popular Turkish tunes were adapted. The first secular songs known to us from Ottoman Istanbul are those written by Shelomoh ben Mazal-Tov. Although he was of Romaniot origin, most of his compositions were adapted to Turkish music rather than Greek.[22] The songs Mazal-Tov wrote, defined as Songs for the Groom, were sung by men to Turkish melodies, while the melody of the *romancas*, sung in the family circle, was almost always Spanish. This is not a negligible detail if one takes into consideration the division between male and female space. Other Jewish poets included Yisrael Najarah, who wrote liturgy and secular poetry to popular Turkish tunes in Safed and Damascus, and Menaḥem de Lonzano, who wrote Jewish liturgy to Turkish music in Jerusalem.[23]

Clothing

Jews of above-average means expressed their wealth by wearing expensive clothing. Aside from certain people, however, even those who did dress lavishly still obeyed the rules which designated different colors for the different ethnic groups. A Jew would not dream of wearing white headgear unless for safety when traveling in dangerous areas.[24] Even if the social class barriers could be crossed, certain conspicuous ways of dressing were intended to symbolize one's faith. If a person used symbols other than those of his own group, this denoted his passage to the other group.

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22 See above, p. 128, and Marqun, "The Book 'Songs, Lyrics and Praises,'" 241: "And these are [the songs] which Rabbi Shelomoh Mazal-Tov composed for tunes of the Yishma'elites [Turks] and other tunes: no. 233 'After musicians I will sing a song,' for a square Turkish tune; no. 234: 'Wake up my beautiful dove,' another for a square tune; no. 235: 'A song for loving deer,' another in a different Turkish tune; no. 236: 'My dove, come up from the rock clefts,' another for a different Turkish tune; no. 237: 'I will sing a song on roses,' another for a different Turkish tune; no. 238: 'Come back to Biẓaron Friend of God,' another for a different Turkish tune; no. 239: 'A prisoner of a worn scarlet cloth, my beautiful rise up,' another for a different Turkish tune; no. 240: dedicated to Sultan Suleyman,' another for a Turkish tune; no. 241: 'Listen to me and I will sing, and wake with tide of the sea,' another on the sea for Turkish tune; no. 242: 'Mount Senir and Mount Tavor and Hermon,' another for a different Turkish tune; no. 243: 'Listen God to the call of a poor one,' another for a Turkish tune; no. 244: 'Salome, come back, come' another one for a different square Turkish tune." Compare with Be'eri, "Shelomo Mazal-Tov," 70–75.

23 On their poetry, see above, pp. 263–64.

24 See, for example, Rabbi David Ibn Zimrah, *Responsa* (Warsaw, 1882), vol. 4, 1137:14a. Ibn Zimrah categorically forbade the wearing of white headgear even when traveling. He declared that a Jew should trust in God. See also Ẓonẓin, *Responsa, Naḥalah li-Yhoshu'a,* 18:24a–b.

We do not have many pictures or descriptions of the clothing of Ottoman Jews in the sixteenth century; however, the engravings in Nicolai's book on his travels in the Levant allow us to compare the fashions of different religious groups and social classes in various parts of the Ottoman Empire in the 1550s. He did not always find someone to pose for him, so the vivid picture that emerges is rather fragmented, and his accuracy in documenting the Ottoman dress of his time is uncertain. Still, his illustrations give us some idea of what people wore.

The unmarried young Jewish woman shown in figure 2 is from the city of Edirne, not Istanbul, but we assume that there was no great difference between women's fashions in these two major cities. She is wearing a silk dress heavily embroidered with a floral pattern, most probably of golden thread. Four heavy buttons decorate the bosom. The dress is joined at the waist, where a folded cloth serves as a belt, and the skirt has copious folds. The dress is worn on top of a colorless basic dress. A cup-shaped hat made from the same material as the silk dress is wrapped with a folded piece of material, and a scarf hangs down from it. This must have been a festive dress, worn indoors. The woman also wears flat, open-heeled shoes that are pointed in the front, and a long, heavy necklace, probably of gold.

Figure 3 shows a Turkish[25] woman "of medium means indoors." While her attire is similar to that of the Jewish maiden, there are several differences. The silk over-dress reaches to just above her knees; underneath, she wears a long striped basic dress which is also visible on her forearms. This dress lacks the beautiful buttons of the first, and the woman is wearing high heels.

The dress of the Turkish lady shown in figure 4 has the same basic elements as in the previous two outfits. The sleeves of her silk gown are shorter, revealing the full sleeves of the basic dress. Like the dress of the young woman from Edirne in figure 2, her gown reaches to her ankles and is decorated with buttons on the bosom; the main difference is that it has an open neckline. The *shalvar*, the trousers worn under the basic dress, are clearly visible. Her hat is slightly different, and her high-heeled shoes really befit a lady of leisure—since it would be very difficult to perform any chores in such shoes.

The similarity of the first three women's dresses in this collection is more clearly apparent when they are compared with the markedly dif-

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25 We follow Nicolai's use of the term "Turkish" to refer to a Muslim—a definition used only by Europeans at that time.

ferent dress of a young Frankish (Catholic) woman from Pera, illustrated in figure 5.

Leaving the private domain and moving to the street, we find that neither Muslim nor Jewish women tended to expose their wealth or beauty. The outdoor attire of the Jewish woman from Edirne (fig. 6) is a plain dress whose cut somewhat resembles that of the dress shown in figure 2. However, there are no decorative buttons; her head and most of her body are wrapped in a huge piece of cloth which could also hide the two pieces of jewelry she is wearing.

One of these pieces of jewelry looks like a cross, which could be a reason to doubt Nicolai`s credibility as an accurate source for the fashions of the time.

A Turkish woman on her way to the bath (fig. 7) is wearing a slightly different gown, but the idea is the same as that of the dress in figure 2: the less people see, the better. Her outer gown does not show any luxurious qualities. It is buttoned all along the front, and is worn on top of trousers and a basic dress. Her cup-like hat is covered by a scarf with long fringes. Her face is veiled with a small piece of lace attached to the hat. She is accompanied by a black female slave whose face is unveiled.

An engraving entitled "A Turkish woman leading her children" (fig. 8) most probably is not of a mother and her children, but of a female slave and the children she cares for—since her face is unveiled, and there is a very conspicuous difference between the simplicity of her gown and the luxury of the children's clothes.

Ten or twenty years later in Istanbul, Jewish ladies' fashions looked somewhat different in the only illustration here that is not from Nicolai's book (fig. 9). It shows a widow (left) and a married woman (right). The widow's attire is amazingly similar to that of the black slave in figure 5. The married woman's dress is made of heavy brocade. It is not joined at the waist, and it lacks the elaborate buttons on the bosom. The headgear is somewhat different from the mid-sixteenth-century hat, but the drawing is not clear enough to judge. Like the hat in figure 2, it is a combination of a hat and a scarf.

The outdoor dress of a Greek lady from Pera (fig. 10) resembles that of the Jewish woman from Edirne in figure 7. The cut of the upper dress is different, however; it lacks the belt, and it shows much more of the basic dress (which makes it more like an Italian dress of that period). Like the Jewish lady, this woman does not wear *shalvar* (or at least they are not visible) and she wears flat shoes. Her cuplike hat is covered by a large cloth, a bit different from that of the Jewish woman, but the idea is

the same: to cover herself up when necessary. The traditional necklace can be seen around her neck.

Although the evidence is not sufficient to draw definite conclusions, some general comments can be made. All of these women are wearing several similar items of clothing. The basic garment is a delicate, shirt-like dress, the *gömlek*. Over the *gömlek* they wear a short-sleeved gown, the *antarı*; it is made of heavy embroidered silk or velvet, or perhaps a plainer material, depending on the purpose of the garment and the social class of the wearer. Outdoors, another outer garment with buttons from neck to waist could be worn. A large piece of cloth could wrap most of the woman's figure. The differences between Jewish and Greek female attire, on one hand, and Turkish, on the other, were in regard to three main items: Muslim women were veiled, wore *shalvar* under their *antarı*, and wore shoes and sandals with high or medium heels—while the others were not veiled, did not wear *shalvar*, and wore low-heeled shoes.

The picture that emerges from Nicolai's engravings is that the Jewish women's fashions were very much influenced by Ottoman Muslim styles. On the other hand, several items of apparel differentiated between *zimmi* and Muslim women; some of them, such as high heels and the veil, were probably worn to emphasize that the Muslims were of a higher class.

Jewish men (fig. 11) usually dressed very much like the Armenians (fig. 12), the Greeks (fig. 13) and the Turks (fig. 14). They wore the *shalvar* (large, loose pants) topped by a long caftan with a cloth belt (*kuşak*) around the waist, and a long gown of good quality on top of that.

The differences were in their hats and shoes. Each religious group, and even each class within a religious group, had a different kind of hat. An ordinary man wore a yellow turban (fig. 11); a physician wore a high red hat (fig. 15); and some newcomers from Venice wore black Italian berets. The *zimmi*s wore shoes of lesser quality than those of the Muslims.

Apparently, therefore, the cultural influence of Muslim Ottoman society is rather clearly evident in the fashions worn by Jewish men and women. Although non-Muslim women and slave girls were forbidden to wear a veil, the *bon ton* in the middle of the sixteenth century was to throw a large piece of cloth over the head and shoulders, covering the body, in order to achieve the impression of modesty and virtuousness in spite of an unveiled face.

Objects

Very few special Jewish objects from the sixteenth century have survived. The only items that might allow us to draw conclusions about Ottoman cultural influence are the Jewish tombstones dating from the last quarter of the century (fig. 16). They bear no decoration whatsoever, and resemble Ashkenazi and Romaniot tombstones of the Middle Ages— unlike the Jewish tombstones from the beginning of the seventeenth century, which show a distinct Ottoman influence.

Since history is not mathematics, the foregoing is obviously not the result of a formula. A minority that was very diversified was put with other minority groups under the rule of a centralistic state whose religion, culture and traditions were different from many of its subjects, and which encouraged differentiation between the groups and the classes.

Despite these multiple levels of differentiation, the Jews of Istanbul adopted many external characteristics of the ruling society such as dress and status symbols. They also assimilated several important social patterns such as the division between the inside and outside domains, with all its repercussions on family life and the status of women.

Nevertheless, a century after the conquest of Constantinople, the Jews still regarded Ottoman mores as an alien culture.

Fig. 2. An unmarried young Jewish woman from Edirne.

Fig. 3. A Turkish woman "of medium means" indoors.

Fig. 4. A Turkish lady of leisure.

Fig. 5. A young Frankish woman from Pera.

Fig. 6. A Jewish woman from Edirne.

Fig. 7. A Turkish woman and her slave going to the bath.

Fig. 8. A slave (?) and the Turkish children she looks after.

Fig. 9. A Jewish widow (left) and a married Jewish woman (right) from Istanbul. (1574. Watercolor. Genadios Library, Athens, AB986.)

Fig. 10. A Greek lady from Pera.

Fig. 11. A Jewish merchant.

Fig. 12. An Armenian merchant.

Fig. 13. A Greek merchant.

Fig. 14. A Turkish dignitary.

Fig. 15. A Jewish physician.

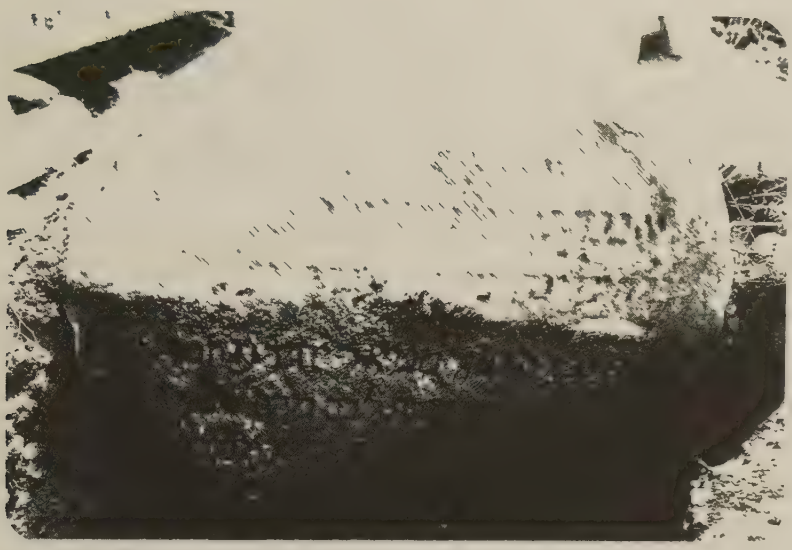

Fig. 16. The tombstone of Aharon ben David Hakohen (26 Elul 5344 / 2 September 1584) in Hasköy cemetery. (Tel Aviv University, Diaspora Research Institute, Documentation Project of Turkish and Balkan Jewry, Collection Turkey, Hasköy, tombstone no. 34, lot no. 4-1[10 January 1988] (Photograph: Mehmet Ali Cida).

CONCLUSION

In the course of this study, the reader has been taken on a trip into the past on the wings of an imaginary bird. He entered vanquished Constantinople, feeling what it is like to be conquered, and observing the way the Ottoman victors reshaped the declining Byzantine city into the capital of a world power, a Muslim empire.

The reader was introduced to the rules that crystallized the attitude of the empire towards its non-Muslim residents, to the ways in which the Ottomans interpreted the Muslim legal premises so as to enable Jewish existence in the city, and to the manner in which the Jews, in consequence, conducted themselves.

Within the inner circle of Jewish life in Istanbul, the reader learned about the various Jewish ethnic groups that settled there and the way they arranged their public space. The development of the organizational patterns of the community was portrayed within the framework of the external Ottoman urban system. The reader was given an opportunity to delve into the innermost layers of Istanbul's Jewish society: the tensions between the centrifugal and centripetal forces acting on the community, the tensions among the various congregations, the tensions between the Romaniots and the Sephardim.

The most intimate arena of human existence was uncovered, allowing the reader to become acquainted with Jewish family life in the Ottoman city: the way people were married, lived their lives, behaved as parents, became old and died. This acquaintance included rich and poor, upper and lower echelons, powerful and weak. Tracing the theme of class differences, the reader gained insight into the meaning of power, money, scholarship and pedigree in the city.

On the wings of the imaginary bird, the reader was carried from the closed circle of family and synagogue to the open surrounding society, to the bazaars and the docks where Jews made their living. He was shown not only the material aspects of life, how the Jews of Istanbul met their physical needs, but also a more intimate facet, the cultural one—what they did to satisfy their intellectual aspirations and how they spent their leisure time.

Finally, at the end of the journey, the reader was again taken outside the circle of the Jewish world to see how and to what extent the surrounding society and culture shaped the lives and the habits of the people, and the minutiae of their daily activities.

The 113 years of Jewish existence in Istanbul described here should be viewed as the formative stage of the Jewish community in the Ottoman capital. The conquest of the city by the Ottomans not only opened up a new era in the life of the Jewish community; it practically created a whole new community, built first with the exiled Romaniot communities of Anatolia and Rumelia, and later with the expellees and refugees who flowed from Western Europe. The pragmatic attitude of the Ottomans toward the Jews (as toward other religious groups) provided a solid basis for the development of the community.

Although some of the first-generation Romaniots dwelled on memories of the *sürgün,* the more imaginative members of the community made the forced transfer a tool for economic efflorescence. They created a multicongregational, diversified and successful society that was active in various economic fields, with close connections to the Ottoman court. At the same time the society retained its special Greek-orientated identity, expressed in its language, names, family structure and patterns of behavior among females.

The settlement of the Iberian Jews from 1492 onward triggered great changes in the life of the community. The immigration increased the Jewish population, enlarged its geographic distribution, and enhanced the community's involvement in European trade and in the Ottoman economy. The Iberian newcomers developed a strong presence in the Ottoman court, changed the relationships between the community and the authorities, and influenced the community's absorption of Ottoman values and mores.

The cultural assimilation was not connected solely to the Iberian Jews' gratitude to and identification with the Ottoman rulers, who allowed them into the empire when almost no other country opened its doors; it was also connected, even subconsciously, to the tendency to identify with the culture of the ruler, of the mighty, the ones in whose hands their well being was vouchsafed—the Muslims—rather than the culture of the vanquished—the Greeks. Yet even the Iberian Jews viewed Ottoman culture as that of the "other"; they did not speak the Ottoman's language at home, nor did they mingle with them more than was necessary.

Most of the changes which can be discerned in Jewish Istanbul following the Iberian influx were continuations of existing trends attributable to the Romaniot *sürgün.* While the geographic distribution of the Jewish community changed, it was still based mainly on the existing pattern of settlement, which started to change only after 1569. Like-

wise, the intensive involvement of Iberian Jews in tax farming and European trade continued a trend that was already in existence. The immigrants used many of the organizational patterns created by the Romaniots. Involvement in court life did not originate with the Iberians, either.

In the same way that the Iberian immigration continued existing patterns while simultaneously being a vehicle for change, the transformations started during the course of the first half of the sixteenth century were not all completed by the end of the Suleymanic era. Some of these processes continued during the seventeenth century, reaching their conclusion only at the end of that period.

The Iberian Jews brought with them a sense of guilt derived from the horrors of the expulsion and the *shemad*. The disintegration of the family (including the loss of many children), combined with the urban reality of Istanbul, affected their demographic behavior. The Romaniots, who did not bear such feelings of guilt, exhibited the same patterns of behavior. The Iberians also brought a deeply rooted self-esteem which was apparent from the beginning of their settlement despite their inferior starting point as poor immigrants.

Although the Iberian culture eventually prevailed, the Romaniots maintained their special identity and many of their original names and customs. A supracongregational organization emerged on an ad hoc basis when it was felt that a unified stand would improve the community's status vis-à-vis the Ottomans, or when dealing with internal transgressors and rebels. Permanent supracongregational institutions were not established.

In the course of this period, the immigrants' society achieved stabilization in other facets of life. A fundamental process of stabilization can be discerned in the fact that the second generation of Iberian immigrants no longer identified with their brethren in the Lands of Christendom, although they continued to consider all people of Jewish seed in the Iberian Peninsula and elsewhere to be part of the Jewish people. However, since the waves of immigration declined after the mid-sixteenth century, the crystallization of the Spanish–Jewish Nation in the Ottoman Empire was at a crucial point.

Another expression of stabilization was the reestablishment of former social patterns shattered by the catastrophe of dislocation and wanderings. The central arena in which this process can be seen is the family. Although certain differences between Romaniot and Sephardi families were still discernible even at the beginning of the nineteenth

century in matters of inheritance law, there is enough evidence to substantiate the fact that both groups were part of an eastern Mediterranean family type. This is true not because they were influenced by the surrounding Muslim society, but because the Mediterranean family as an institution derives from traditions preceding Judaism, Christianity and Islam.

Moreover, if similarities between the Jewish-Ottoman family and the Muslim-Ottoman family can be observed, their roots should be sought in Jewish family law rather than in Muslim practice. The Jewish Ottoman family did not adopt Muslim norms, returning instead to its own basic ways and mores, the very same ones that molded the Muslim family. The pillars of this family were patriarchal dominion and the preference of the male over the female branches; a large age difference—sometimes up to twenty years—between husband and wife, in favor of the husband; and a very young age at marriage, especially for females.

In some respects, such as inheritance, Muslim law was more beneficial to the female side than was Jewish law. On the other hand, on issues regarding which developments in other parts of the Jewish Diaspora were favorable to the female side, the Jewish-Ottoman jurists often tended to find legal reasons to sanction the re-adoption of the ancient practices that were enforced in Ottoman society.

Another important pillar of family life in this society was the high value attributed to pedigree and socioeconomic status in the choice of a spouse. This value, which was abandoned in the first decades after the expulsion, was enthusiastically readopted when the second generation of expellees reached the age of marriage.

Jewish involvement in the Ottoman court peaked at the end of this period, when the community achieved its highest political status from within and from without. The economic growth enabled Jewish society to indulge in ostentatious status symbols such as clothes and slaves. It also brought about a situation in which more Jews were in positions of authority over Muslims. This began to change in the last quarter of the sixteenth century, when the state started to issue orders prohibiting such transgressions. This does not mean that after 1566 the Jews lost everything; nevertheless, they never reached such a level of efflorescence again, but neither did the empire.

The Jews of Istanbul continued to do business at the court, they continued to use their connections there for private as well as communal interests, and they continued to wear expensive clothes and buy slaves, if they were sufficiently wealthy. The difference was that the patterns of

relations with the government and with the surrounding culture came to a crossroads at the end of the Suleymanic era, in the sense that from then onward, social gray areas and uncertainties were less and less frequent; each individual knew his place inside and outside, and so did the community as a whole. Whereas, the ownership of slaves by *zimmi* families was an ordinary fact of life during the period described here, it became a privilege in the post Suleymanic era. A wealthy Jew could still buy and enjoy the services of a slave girl, but he had to pay for it, and he knew that problems might arise.

At the beginning of the seventeenth century, it was no longer possible for there to be a Frankish Bey such as Don Yosef Nasi, who had functioned with so much success in the gray area between what was permissible for a *zimmi* and what was intolerable. The only person who would come close to imitating Nasi's status was Don Shelomo Ibn Ya'ish at the end of the sixteenth century. Otherwise, the Jews followed the pattern of a humble servant of the sultan or his functionaries, who might be allowed to make a great fortune. He could buy status symbols, but the cost entailed a great deal of money and meticulous obedience.

Throughout the period and well into later epochs, the Jewish community of Istanbul was a microcosm of the metropolis itself. It was a society of extremes: at one end were the fabulously rich, and at the other, the destitute. A person's destiny depended on his proximity to the Gate of Felicity and the benevolence of its residents.

At the same time, viewed from the perspective of subsequent centuries, the socioeconomic portrait of the community in the sixteenth century was more equilibrated than in future generations when the base of the economic pyramid became increasingly narrower.

DOCUMENTS

A. Between the Jewish Collective and the Government
B. Individual, Congregation, Community
C. Between Karaites and Rabbinites: Who Owns Wisdom?
D. Marranos Who Returned to Judaism
E. Family
F. Economic Life

A. Between the Jewish Collective and the Government

Document 1: Mizraḥi, *Responsa*, 91:281

[A special tax was levied by the Ottoman Government.]

Man of God, one who is like the son of God, knower of secrets, scion of nobility, Sinai and uprooter of mountains, who illuminates the earth and its inhabitants, spicy pepper and powder of pearls[1] noble one son of a noble father, our honorable teacher, and rabbi, Matatyah, may God protect and redeem him:[2]

I have received your ruling, and seen it to be the most fragrant of incense, and I have rejoiced in it a great rejoicing.... Since, however, you wish my opinion on this matter, I would like to write my opinion in brief, as I am extremely harried just now by the affairs of the congregations that have fallen upon me—since the government has compelled us to collect a thousand *levanim*[3] for each person who pays 200 *levanim*, and 500 *levanim* for each person who pays 100 *levanim*, and 40 *levanim* for each person who pays 5 *levanim*, the total amount levied against the Jews alone comes to nearly 7,000 golden ducats. And each day do we go to the offices of every government minister to weep and plead the staggering weight of this difficult and bitter burden.

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1 "Spicy pepper and powder of pearls," i.e., one whose keen and powerful intelligence comprehends the subtlest distinctions.

2 The addressee is apparently Rabbi Benyamin ben Matatyah, rabbi of the community of Arta. See pp. 134–36 above.

3 *Levanim*—literally, whites—refers to *akçe*, a silver coin, the main currency in the Ottoman Empire.

Document 2: HaLevi, *Responsa, Zeqan Aharon*, 158:81a

[The Jewish community of Istanbul decreed that Jews not engage in sarraflık *for three years. As a result, the royal mint was closed.]*

It happened that in the city of Qostandinah, the dignitaries of the congregations assembled and declared a ban against any Jew who engages in the trade of changing coins—that trade being known by the name *sarraflık*[1]—because [the dignitaries] feared that some mishap will be caused by them and the name of Israel will be disgraced. And we inquired whether [imposing such a ban] would cause damage to the Jews, as when one flees from a lion and runs into a bear[2] and whether in bringing a curse upon our enemies we might bring injury upon ourselves.[3]

On the contrary, the great scribe of the king, the minister of the royal treasury[4] expressed his satisfaction [with the idea], wished us well, and added, "If anyone disobeys the ban, inform me, and I will see that he is punished." And we asked whether the [royal] mint would close when the Jews stop [changing coins], and they said that, on the contrary, there would be even more work [for the mint]. [Based on this information,] we declared a ban against any Jew who changes coins for the next three years.

After these occurrences, we heard that when the minister of the treasury learned [of the ban] he became angry and sought to destroy, kill, and eradicate all those involved in its imposition. We also heard that the royal mint is closed and idle and that [the minister of the treasury] informed the sultan that the Jews had closed the mint and caused

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[1] Those subject to the ban were official money changers connected to the royal mint. Their assignment was to receive used coins and gold, evaluate them, pass them on to the mint to be minted, evaluate the coins produced, and pass the value of the coins produced on to the royal treasury. Whatever remained above the sum agreed between the *sarraf* and the authorities remained was his profit. These money changers were in fact subcontractors of the mint The dealings described were known as *sarraflık*, and those engaged in it were known as *sarrafs*. See also M. Rozen, "The Corvée of Operating the Mines in Sidrokapısı and Its Impact on the Jewish Society of Salonika in the Sixteenth Century" (in Hebrew), in M. Rozen (ed.), *The Days of the Crescent Chapters in the History of the Jews in the Ottoman Empire* (Tel Aviv: Tel Aviv University, 1996), 13-38; G. Veinstein, "The Clothes of Salonika: A Reassessment of Nehama's Views" (in Hebrew), ibid., 39-48. Cf. pp. 232–33 above.

[2] Am 5:19.

[3] In other words: We impose a ban in order to retaliate against those who are trying to harm us—those who slander the Jewish money changers, claiming that they short-weight their coins. In the process, however, we will damage ourselves.

[4] Defterdar.

the royal minters to be without work. We sent persons to appease him, but he refused to be appeased. And now he has sent his honorable agent[5] [to make certain] that in any case the *sarrafs* return [to work] the next day and if not he will destroy them all.

And when I heard this, I was deeply shocked, and I appealed to the congregations and said to them, "See [what] this person seeks to do. If you have the strength and the courage, let us go to him and prostrate ourselves before him, to assuage his anger." And in their fear, no one was willing to go. [So] I said to them that since matters had taken so tragic a turn, the vow and ban are considered as having been imposed in error,[6] and do not even require formal cancellation by a *ḥakham*.[7] And persons have come forward, persons who in the past have consciously disregarded their own oaths and vows [on the flimsiest of pretexts], and these same persons have taken the mantle of piety upon themselves and asserted that this is a vow that cannot be canceled, since it was taken for a specified time period and that time period has not expired. Others have claimed, moreover, that even if it was a vow taken in error, it would have been proper to make some stipulation [that could later be invoked to cancel the vow] when the vow was taken. These claims—as well as others like them—have they invented from their own hearts in order to damage the reputation of the Jews before the non-Jews.

Therefore, have I taken upon myself to write and inform my people of their crime and the house of Jacob of their sin—those who have been criminal in this matter and those who issue rulings that contradict Jewish law, may they be struck with shame.

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[5] In the original '*eved*—slave. The administrators of the empire were considered the sultan's personal slaves (*kapı kulu*). On their actual status see Inalcık, *The Ottoman Empire*, pp. 65, 77, 84, and above, p. 197.

[6] *Nedarim* 25b.

[7] *Ḥagigah* 10b

Document 3: HaLevi, *Responsa, Zeqan Aharon*, 113:70a

[Concerning a synagogue closed by the Ottoman authorities.]

Question: Concerning a synagogue that the government prohibited praying in. Subsequently the community brought a school teacher who taught children there for a certain time. Afterwards, the building caught fire, and all its walls collapsed. And now a tax has been imposed [on the property]. And even if [the Jews] wanted to pray there, the Muslims have purchased all the adjoining properties, and they fear that the Muslims will seize the aforementioned property. And they want to sell it, so that the religious endowment trust[1] will not lose. What is the law? Is it permitted to sell the synagogue, seeing as how it is a *beit keneset shel kerakhim*?[2] Is it considered a house of study, because it functioned as a school for a short time?

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1 In the original: *heqdesh*. The *heqdesh* received all of the earnings accruing to the structure.

2 A "city synagogue." See *Megilah* 26a. The regular synagogues of large cities (by contrast to those of small rural settlements or those established by small homogeneous groups of artisans) are established for the use of all Jews, including travelers. Thus, no particular person has any right to sell or ban the sale of such a synagogue, even where the money required to build a city synagogue was contributed exclusively by residents of the city. Such a synagogue may be sold if the recognized leaders of the community (*shiv'ah toveı ha-'ır*) agree.

B. Individual, Congregation, Community

Document 4: Mizraḥi, *Responsa*, 13:29

[Does a congregational regulation prohibiting card playing commit transient merchants who pray in the synagogue of the said congregation?]

May the rabbi instruct us:

The congregation of Cordova has agreed under penalty of ban that no member of the congregation (may God protect and redeem them) may play cards in his home—neither he nor anyone else—except upon certain specified days [of the year]. This agreement was undertaken for period of ten years.

Some time after this agreement was written and signed by the aforementioned congregants, a certain person came to town. This person was bound for the East, for Alexandria, or some other suitable place for a journey, and he was waiting for a ship to embark upon in order to continue on his way. In the meantime, he began worshipping at the Cordova synagogue, on a temporary basis, as is the way of wayfarers, who stop to worship at whatever synagogue they happen to be near. [In any case,] the man continued worshipping [here] from day to day and month to month until nearly six months had elapsed. All this time, or most of it, the man worshipped at the aforementioned synagogue.

As is customary among the Jews of Spain, the charity collectors go around several days each week collecting the congregants' regular obligation for charity and regular congregational dues,[1] as well as whatever the transient worshippers donate—the aforementioned person being among the latter. This person would give to one of the charity collectors, or both of them, whatever amount the generosity of his heart prompted—however much he wished to contribute at that time.

As the charity collectors saw that the man had been worshipping in our synagogue for some time, it seemed to them that he wished to be included as a member of the congregation, and they asked him whether he would like them to record his name in the [congregational] register along with the rest of the congregants. [In response to this inquiry, the man] revealed his intentions to them and answered that he was still waiting to embark on [the next leg of] his journey, and that he was not interested in [performing] any act that would create any sort of obliga-

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[1] In Hebrew, *tamid*, literally—always.

tion to this congregation or any other. That he preferred, rather, to worship [where he pleased] and contribute as he pleased—as he had from the beginning—with no obligation, until God brings him a ship that he desires and (with God's help) he continues safely on his journey. And when the prophets[2] heard this, they ceased speaking to him on this matter.

A short time later, the judges[3] agreed that the leaders of the community[4] could impose an oath upon the congregants (may God protect and redeem them) and compel them to swear that they would not abandon their congregation and move to another congregation permanently from that day forth for a specified period of time. And they asked this person as well to swear, and he refused, declaring that he had already made clear his intention not to accept any communal obligations. And they left him alone.

One day after all these events, this person was observed playing cards in his residence, and several members of the congregation murmured against him, saying that he had violated the agreement mentioned above, and that it was proper to declare him excommunicated from the congregation. And there are those who support this demand, claiming that having worshipped in the synagogue for thirty days, he is subject to all agreements and regulations of the congregation, and that his declaration[5] is of no effect. And they support this claim with the regulation established in the first chapter of *Bava Batra* that anyone living in a city for thirty days is obliged to contribute to the soup kitchen. Others, however, claim that this [regulation] offers no proof: that though one is indeed obliged, after thirty days of residence, to contribute to the soup kitchen—as do all other residents of the city—he has no other obligations. As we have learned: "...three months for the charity box, six months for the clothing fund, nine months for the burial fund, and twelve months for contributing to the repair of the town walls."[6] Moreover, the *beraita*[7] quoted from the chapter "The Partners"[8] deals with a person who takes up residence in a city with no par-

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2 In the original, *ha-nevi'eim* This is may be a copyist's error and should probably be corrected to *ha-gaba'im*—charity collectors.

3 In the original, *dayanim*.

4 In the original, the people of the *ma'amad*

5 I.e., his public declaration that he is not a member of the congregation.

6 Bava Batra 8a. The regulation establishes periods of residency after which a newcomer to a community can be compelled to contribute to the various causes enumerated.

7 *Beraita*—an external *mishnah*. A mishnaic tradition which was not accepted into the collection of Rabbi Yehudah HaNasi.

8 *Ha-Shutafim*—the first chapter of *Bava Batra*.

ticular intention; however, where a person declares from the outset that he has not come to the city in order to remain there, but rather has come for a particular reason, we may not infer from this *beraita* that the residents of the city can compel him to contribute to any of the funds mentioned.

...This agreement not to play cards is an agreement only of the congregation of Cordova, and not of any other congregation. Hence there is no basis for concluding that the congregation can impose the agreement upon any individual who is not a member of the congregation. However, anyone who comes to worship with us—even temporarily—his declaration [that he does not wish to become a member of the congregation] is of no effect.

We, the judges of Cordova congregation, beg your legal opinion; kindly show us the true ruling in this case.

Response: Concerning the agreement undertaken by the praiseworthy congregation of Cordova, May God protect and redeem her. And they imposed a ban against any worshipper participating in any sort of gambling in his home—be it he or anyone else, with the exception of the days implied.[9] And the agreement was undertaken for a period of ten years from the date it was promulgated. And during this period, a person came to worship, and the members of the congregation thought that he had come to settle and become a permanent worshipper in their congregation. And when they requested that he contribute to the local charities, he would always tell them that he was worshipping with them temporarily until he finds a caravan or safe ship to travel to some other region, when the opportunity arises. And some six months passed, as detailed in the question, and the holy congregation mentioned above (may God protect and redeem it) asks my opinion on this matter.

In my humble opinion, the matter does not seem to warrant intensive study as it appears to be quite straightforward. Since the person in question did not come to settle, but was there, rather, by happenstance and nothing more, he is not bound by the aforementioned agreement and ban [against playing cards] imposed by the aforementioned congregation. [And this would be true] even if all the congregations of Qostandinah had entered into the agreement. Thus, in our particular case, where the individual has made it explicitly clear that it is not his intention to settle in this country, even if the agreement were to encom-

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9 Purim and Hanukah.

pass all the congregations of Qostandinah, we would permit [him to play cards] in private—but not in public, because of the potential for conflict. This [finding] applies with even greater force [in this case], seeing as how the agreement does not encompass all the congregations [of the city], but only the congregation mentioned. [Since not all congregations have entered into the agreement,] we invoke neither the principle that [a traveler] is bound by all the strictures of the locale in which he is staying nor the principle that to prevent conflict [a traveler] may not deviate from the customs of the place where he is staying.[10]

Since the congregations of Qostandinah have divided themselves into separate associations, and each one keeps its own customs and ordinances, and sees to the burial of its own dead,[11] and so forth, regarding its congregants, each congregation has the status of a separate city. Thus, regarding the different congregations, we do apply the principle that travelers are bound by all the strictures of the locale in which they are staying, and the principle that to prevent conflict [a traveler] may not deviate from the customs of the place where he is staying....

However, one who comes in order to settle [in a given place] has the same status as one who purchases a home there... [and] one who purchases a home is immediately considered to be a resident of the city [with all attendant obligations]. So it appears, in my humble opinion, the lowly and harried Eliya Mizraḥi.

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10 *Pesaḥim* 51b.

11 The Hebrew term, "*metei miẓvah*," refers to deceased persons who have no one to bury them. Thus, each congregation attends separately to the burial of deceased members of the congregation (as well as deceased, unidentified travelers) who have no next of kin to take responsibility for burial.

Document 5: Mizraḥi, *Responsa*, 15:32

Cancellation of a ban of excommunication of *kahyalık*[1] by our teacher, Rabbi Eliya Mizraḥi:

This being the text [of the ruling] copied letter for letter from the writ of excommunication received by Rabbi Salto, all the signatories, and all those who exerted efforts in this matter.

These are the words of the covenant undertaken by all the Jews of Qostandinah, may God protect and redeem them, this day, 14 Ḥeshvan 5279 [14 October 1518]. Being that many persons have, until now, suffered greatly during the previous *kahyalık*, they agreed and accepted upon themselves that Rabbi Sha'altiel, who was the *kahya*[2] until now—and his sons also agreed—that from this day forth, they will not accept any *kahyalık*, neither he, nor any of his sons, neither by himself nor by means of others, even if the government, may God protect and redeem it, compel him to accept it under penalty of death, he will accept death rather than violate [this agreement], rather than agree to represent any Jew whatsoever, and that he will not take revenge upon any Jew concerning any matter.

And every Jew [in Qostandinah] agreed that if Rabbi Sha'altiel or one of his sons violates any one of the aforementioned stipulations, that they will oppose him and pursue him, until he is destroyed and that no Jew will come to his aid. [They further agreed that] anyone who has any *şikayet*[3] of having given [to Rabbi Sha'altiel] anything concerning any matter at all, be it *peraḥim*,[4] or any sort of gift, be it connected to any sort of tax, *sarraflık*[5], or *salgın*,[6] or connected to *yolgidiş*,[7] or anything else of this sort, will not conceal the matter, but rather pursue every legal recourse available, even if the *şikayet* concerns a claim more than twenty years old. And anyone who does not pursue such a matter, be that person a man or a woman who has a *şikayet*, in which [Sha'altiel] has been in violation—all Jews will be forbidden to mourn

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1 The position of representing the Jewish communities before the government. Concerning the *kahya*, see pp. 74–75 above.

2 See ref. 1 above.

3 Complaint.

4 *Peraḥım*, literally flowers, refers to coins—golden ducats.

5 A corvée for operating mines. This *sarraflık* differs from the one mentioned on doc. 2, ref. 1, mainly in one of it's components—the inclusion of the mine in the scope of activities to which the *sarraf* was responsible. See pp. 40–41 above.

6 A tax collected during time of war. See p. 33 above.

7 A tax for use of the roads.

that person, participate in his *semaḥot*,[8] in his funeral, or burial, to marry such a person or his child or grandchild. And if some of the Jews agree to accept him as *kahya*, he will be in violation if he acts as *kahya* on their behalf. And all these things were accepted between all the Jews and Rabbi Sha'altiel upon penalty of ban, curse, oath, *shamta*, *qelalah*, and *nidu'i*,[9] both in this world and the world to come, everything being properly executed, clear, and valid.

After many days had passed, on Monday, 11 Sivan 5280 [10 June 1520], Rabbi Sha'altiel arose and assembled all the leaders of all the congregations, may God protect and redeem them, in the synagogue of the Zeitun congregation,[10] and requested that they lift the aforementioned ban, and that they restore him to his previous position as their *kahya* as in the past, and he undertook upon penalty of excommunication in this world and the next, not to do anything great or small in any general matter concerning the government or concerning the judges or the judge *Şeyhülislam*,[11] or any minister, from anywhere on earth, except with the advice and consent of the leaders appointed by the congregations, and that he would not be permitted to come between two parties to a disagreement to support one and oppose the other, except with the consent of the leader of their congregation, and to work with all his strength to benefit the Jewish people.

And the leaders of the community were appeased by this and drafted a document setting forth all these terms and signed it, and wished to lift the aforementioned ban immediately.

And I, the lowly and harried, prevented them, declaring that although the leaders had signed, it is not proper to lift the ban until morning, so that the leaders may go to their congregations and inform them of what happened today, and in the morning, the leaders will come, and we will lift the ban, with everyone present. That way, there will remain no room for any congregation to object that had they known of this, they would not have agreed to lift the ban. And in the morning all the leaders of all the congregations came, and we thoroughly investigated whether there was any community whose leader had not come, and all of them answered that all were here that day. And I immediately rose and gave a Torah scroll to Rabbi Sha'altiel to hold, and I held another Torah scroll

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8 Celebrations.

9 *Shamta, qelalah*, and *nıdu'ı* are additional synonyms for ban, curse, and oath.

10 I.e., the congregation of the Jews of Zeitun. The town of Zeitun is currently in Greece, and is called Lamia.

11 The *muftı* of Istanbul, head of the religious/judicial hierarchy in the Ottoman Empire.

myself, and I said to all the leaders with all of them present, "Your are standing this day all of you before the Lord your God: your heads, your tribes, your elders, and your officers, even all the men of Israel. Since you are the leaders of the congregations, do you agree to lift the ban accepted by Rabbi Sha'altiel or do you not" All of them answered individually, "We all agree." I said to Rabbi Sha'altiel, "Do you agree to everything written in this agreement between you and the Jews, including all the terms written in it?"

He answered and said, "This is what I have said."

[And I continued,] "And do you accept upon yourself a severe and absolute ban should you violate any stipulation in the document?"

And he answered, "Yes."

Then I said in the presence of the entire Jewish people,[12] "Thus being the case, know that should you violate anything written in this agreement, both you and your descendants will be cursed by every curse written in this Torah scroll, and he answered "Amen" in a great voice.

After that I said, "Know that if you violate anything written in this agreement, the entire Jewish people accepts upon itself, from this day forth, that anyone participating in your mourning or celebration will be excommunicated, and banned." And everyone answered, "Amen."

Afterwards, I responded and said that "I too accept upon myself under oath that if it should become completely clear to me that that you have violated anything written in this agreement, I will separate myself from you in revulsion all the days of my life, and you will not see my face all the days of your life."

This is what transpired before the leaders of all the congregations, may God protect and redeem them. And the entire Jewish people departed in joy and singing.

Afterward, several dignitaries of the congregations came to me and asked why I should take the trouble to issue a written decree lifting the ban.[13] For a number of Jews had already acted in defiance and begun whispering that the original ban could not be lifted and that [in lifting the ban] I had acted in violation of the law.

And I, owing to the [potential] desecration of God's name involved, felt compelled to draft a ruling to explain that everything done was

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12 I.e., the leaders of all the congregations.

13 Since the lifting of the ban was a matter of controversy, Rabbi Eliyahu Mizraḥi was advised by some of the dignitaries to issue a written decree explaining his decision. Had there been no controversy, there would have been no need for a written decree.

done according to the letter and spirit of the law and to have all the [legal] authorities of all the congregations and all the learned men[14] in the city sign—that all Israel may know from this day forth the emptiness of all those who defy their rabbis; those who rule not according to *halakhah*, and that no one ever rely upon their statements again. For they are none other than students who did not spend enough time serving [their rabbis][15] and wish to aggrandize themselves before the ignorant, and before the residents of their city. They jump [at every opportunity] and are the first to judge and rule on issues of Jewish law. And it is they who create altercation and conflict among the Jewish people, and destroy the world and extinguish the light of Torah and trample the vineyard of the Lord of Hosts. Of such persons, King Solomon said in his wisdom, "Catch for us the foxes, the little foxes who spoil the vineyards."[16]

... Being that [Sha'altiel] has the power to benefit the Jewish people, and all cry out and complain that they have neither rest and nor peace in their *mahalle*,[17] because [all those who attempt to intercede] are mere amateurs, and their words make no impression upon the ministers, and immediately, when a minister issues some decree against a Jew, the Jew is immediately brought before the minister so that the decree can be executed, no matter what the decree, with the result they are hurt by these *mahallebaşidis*.[18] This is not the case, however, with Rabbi Sha'altiel, concerning whom all admit that he has the power to stand up in the king's chamber, to cancel a decree issued against a Jew with the help of the king's highest, most intimate officials, that he is a "member of their household." And that [his services offer] great benefit to the Jews, there is no doubt. And although they say that in a few things he actually caused harm; nevertheless, with the restriction they placed upon him in the agreement between him and the Jews, they think he will no longer be able to do harm, but only good. And this applies with even greater force,[19] given that those who swore not to use his services

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14 Me'aynim, literally "readers."

15 The personal daily contact between the rabbi/mentor and the student who serves him is considered even more important than the actual study of material. See *Berakhot* 7b: "Serving the Torah is greater than studying it."

16 Cant 2:15.

17 Neighborhood.

18 A mixture of Turkish and Greek. Should be *mahallebaşları*, the leaders of the congregation, the leaders of the neighborhood. See pp. 65–66, 78–80 above.

19 This refers to lifting the ban. In other words, if the above reason were not sufficient, the following reason is *certainly* sufficient to permit the ban to be lifted.

as *kahya*, swore not to use his services *without the consent of the congregations*. If, however, the majority of the congregations desire him as *kahya* for them, and so much more so if all the congregations, even they themselves admit that he can be *kahya* for them, even without the ban's being formally lifted. For it is written in the original writ of excommunication that if *some* of the Jews agree to accept him as *kahya* for them, he will be considered in violation if he acts as *kahya* on their behalf. [From this wording,] it may be understood that if the *majority* of Jews agree that he be *kahya* for them, he can certainly be *kahya* for them, and the matter needs no consultation [with any legal authority] nor formal lifting of the ban. So it appears to me in my humble opinion.

The harried and lowly, Eliya Mizraḥi....

Document 6: Mizraḥi, *Responsa*, 82:261

[A widow brought suit against her father-in-law before the congregation of Ishtipol[1]. The leaders of the congregation brought the case to Rabbi Eliyahu Mizraḥi's court.]

Honorable Rabbi Eliya, it will [herein] become known to your highness, how the widow of Rabbi Sinan,[2] who rests in [the Garden of] Eden, came to the place of prayer in our congregation and shouted and claimed against her aged father-in-law, believing that she had been found to be in the right in a ruling that someone ruled for her, and she claimed he must return her property which was mortgaged to her father-in-law for 5,000 *levanim*,[3] and the congregation rose to hear what her aged father-in-law would respond. And the old man responded and said:

My masters, let it be known to you that she thinks that the law is as the legal authority has ruled for her. However, the law is not so, as the first judges obligated her to repay my loan that I loaned her, and they gave me a document to this effect and another document to her. Therefore, the matter and the rulings of the first court and the last court have been sent to the *ḥakham* Rabbi Eliya, may God protect and redeem him. He will review the rulings, and whatever he will rule, I will not deviate from it to the right or to the left.

And, therefore, we of the congregation of Shtipo[4] rely upon you, your honor,[5] to examine this matter and inform us of your opinion, and we will accept it and oppose whoever does not accept it.

[Signed]

Avraham ben Rabbi Yiẓḥaq, who rests in Paradise

Yiẓḥaq son of the honorable Rabbi Mosheh, who rests in Paradise

Yeshu'ah ben Rabbi Avraham Shemaryah son of the honorable Rabbi Parnas, who rests in Paradise

Ye'udah ben Rabbi Karmi, who rests in Paradise

Yoḥani HaKohen Zash[6]

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1 Štip in Macedonian, Iştip in Turkish. The congregation's origin was in what is today the Macedonian city of Štip.

2 If our reading is correct, this is a Turkish family name. The name Sinani appears among Karaite families of the Crimean Peninsula. See S. Assaf, "On the History of the Karaites in the Eastern Lands" (in Hebrew) in idem, *Be-Oholei Ya'aqov*, 215.

3 Akçe, see p. 310. ref. 3 above.

4 Ishtipol.

5 "Your honor," i.e., you Rabbi Eliya Mizrahi

6 Zash is apparently an abbreviation. It should probably be emended to Zaqsh, which would be expanded to *zer'a qedoshim*, descendant of martyrs.

Parnas ben Rabbi Eliya HaQatan[7]
El'azar ben Rabbi Naḥman
Yosef Frank (?)
Avraham Shemuel[8]

Response: Several days ago, I resolved not to involve myself in adjudicating monetary litigations, as I have seen the harsh disposition of the people, and have thereby made enemies of several friends. Nevertheless, because I see that all the dignitaries of the congregation of Shtipo, may God protect and redeem them, have signed the document and request me to decide between the first ruling and the second ruling, that [the congregation] may be rescued from internal strife, that there be no quarrel or conflict among them—this one saying I abide by the first ruling, and this one saying I abide by the second ruling. And I saw that if I refuse [to consider] this matter, great conflicts will result from it without a doubt, and that I myself will be in their eyes as one who refuses them, and it is not fitting to refuse venerable and distinguished persons such as they. One does not refuse a great person, and this applies with even greater force to so distinguished and glorious a congregation. Therefore, was I compelled to abandon my resolution in order to do their will [as expressed] in the attached document, considering the benefit that will result from [this request], that the thunder and hail will cease[9] and that I will bring peace unto the land, peace, peace, to him that is far and to him that is near.[10]

Behold, I have seen the first ruling, signed by the three outstanding judges, the honorable *Ḥakham* Rabbi Ye'udah, the honorable *Ḥakham*, Rabbi Eliyahu, and the honorable *Ḥakham*, Rabbi Shelomoh, may God protect and redeem them. The entire ruling is a jewel, with no defect in it, superbly constructed upon the Mishnah and Talmud, sources studied by all. Afterward, I saw the second ruling, signed by the honorable *Ḥakham* Rabbi Shelomoh Sironi,[11] may God protect and redeem him, and I saw that he overturns the first ruling on the basis of a talmudic

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[7] Might be the son of Elia ben Shemu'el ben Parnas HaShtipioni who completed a commentary on the Torah on 1470 (see A. M. Haberman, "The Poems of Rabbi Eliya bar Shemuel from Stipo, " in *Hanokh Albek Jubilee Volume* (in Hebrew) (Jerusalem, 1963), 160.

[8] All the signatories seem to be officials of the congregation.

[9] As in Ex 9:33.

[10] As in Jes 57:19.

[11] From the city, Siron—Siderokapısı—in Halqidiqi in northeastern Greece. Today, Siderokapısı do not exist.

statement that a woman has the right to claim, "I only wished to please my husband."[12] And he [Rabbi Shelomoh Sironi] cites Maimonides' opinion that if a husband sells moveable property that has the status of *nikhsei ẓon barzel*,[13] though he is not permitted to do so, the sale is valid.[14] In this ruling, he [Maimonides] meant specifically the case of sale where the husband intends to invest the money [realized by the sale], but in a case of mortgage, where it is clear that he does not mean to invest the money but to redeem the property, the wife can seize mortgaged property of this sort.[15] And this applies even where husband and wife mortgaged the property together, since the wife can claim, "I only wanted to please my husband," to mortgage it until he redeems it. And this applies with even greater force where the property was mortgaged to a non-Jew known to be of a violent nature, where there was danger that they would lose the property altogether. [In the present case,] the husband and wife asked that the husband's father redeem the mortgaged property and gave him a security to hold until the husband would redeem it, or until such time as the father would waive the son's debt to him. And all this applies where, as in the present case, the husband dies before the wife can declare, "I only wanted to please my husband to mortgage the property until he could redeem it." This is the sense of the opinion of the authority signed on the second ruling. And this reasoning seems very far fetched in my eyes from the ways of the Mishna and Talmud, strange even according to his own reasoning.

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12 *Ketubot* 95a; *Bava Qamma* 49b; *Bava Batra* 59b.

13 The term *nikhsei ẓon barzel* refers to property brought to the marriage by the wife. Such property is held by the husband, he assumes ownership of it, and it is considered his. Upon dissolution of the marriage (by divorce or death of the husband), the property, or its value when the couple married returns to the wife provided the property has not left the husband's possession or been destroyed (*Bava Qama* 81a, 90a). Property of this sort is distinguished from *nikhsei melug*, which a wife brings to a marriage, and which may be used by the husband for its *usafruct*. Property of this sort is considered to belong to the wife and may not leave the husband's possession. Upon dissolution of the marriage, the wife receives only the actual property, even if its value has diminished.

14 See Maimonides, *Mishneh Torah, Hilkhot Ishut* 22, 16.

15 From the person to whom it is mortgaged.

Document 7: Mizraḥi, *Responsa, Mayim 'Amuqim*, 1:1a

[Ḥayim Badurqi demands that the heads of the congregations compel Ye'udah Ibn Ẓur to marry his daughter.]

Since all the heads of the holy congregations, may God protect and redeem them, gathered together at the synagogue of Poli Yashan concerning the suit brought by the honorable Rabbi Ḥayim Badurqi against his son-in-law, the honorable Rabbi Ye'udah Ibn Ẓur, may God protect and redeem him, concerning the deception, which Rabbi Ye'udah Ibn Ẓur carried out against his betrothed, Rabbi Ḥayim's daughter:

It was Ye'udah Ibn Ẓur's practice to enter into a room alone[1] with her on various occasions for a period of nearly nine months, as was the custom of the residents of Judea,[2] where it was the practice for the betrothed man to be permitted to enter into a closed room with his betrothed, so that his heart would become coarse towards her.[3] During this entire period [of nine months], there was great love between them, and suddenly, he arose and said that he wished to divorce her, though she had done no wrong. And the young woman screamed in bitterness that she wished to kill herself over the manner in which she had been compromised, for she had been willing to become exclusively his [4] only on condition that she would marry him, and that his heart would be coarse towards her. And Rabbi Ḥayim wept and shouted bitterly, "Will my modest daughter be treated as a harlot?! 'All glorious is the King's daughter within the palace'[5] I shall kill her in the presence of the entire Jewish people, and the sin will be upon the leaders of the congregations who have the power to prevent this, and have not protested."

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[1] The Hebrew verb used here *le-hityahed*, means literally to be together (*yaḥad*) with someone in a closed room with nobody else around.

[2] The Babylonian Talmud, *Ketubot* 12a, reports that in Judea (the southern portion of the land of Israel), by custom, betrothed couples were permitted to be alone in a closed room with no chaperone. According to the Talmud, this was the practice in Judea only, and not in other Jewish centers.

According the Babylonian Talmud, the reason to this custom was that the groom would not be embarrassed to have relations with his bride once they are married (ibid.). However. in The Jerusalemite Talmud.*Ketubot* I, 25c it is explained. that the *Yiḥud* meant sexual relations with the betrothed, in her father's house.This custom became prevalent in Judea since Roman soldiers claimed the right of first sexual intercourse with the bride.See also Rabbi Eli'ezer ben Yo'el HaLevi, *Avi Ha-'Ezri*.Part I, *Nidah*, sec. 192 " *ha-hi de-ketubot* "

[4] The Hebrew expression here is very strong. It does not say "nityahadah 'imo" - stayed with him alone in a closed room. but "nityahadah lo". which actually means "became only his."

[5] Ps 45:14.

And when the holy congregation, may God protect and redeem it, heard of this evil thing, they decreed that we, the undersigned, be their agents in this case and that we examine [the case] and issue a ruling according to that which appears to us to be the law of our holy Torah, and the two sides also agreed to this. And when we saw this, we took up a Torah scroll and issued a ban of excommunication with the consent of that entire holy assembly and the consent of the two sides, that whatever we shall rule according to what appears to us to be the law of our holy Torah, that neither one of the sides be permitted to disagree with this ruling, but that they will carry it out on the strength of the aforementioned ban. And we drafted a document containing all the aforementioned terms, and both sides signed before that entire holy assembly. Afterward, we deliberated over this matter and called the two sides, and they came before us in the sanctuary of the aforementioned synagogue. And because the aforementioned young woman was embarrassed to come before us, she permitted her father, Rabbi Ḥayim, to plead her case for her and agreed in advance with everything he would say. First the honorable Rabbi Yosef HaKohen and the honorable Rabbi David HaKohen testified before us. Afterward, we investigated and examined the aforementioned honorable Rabbi Ye'udah Ibn Ẕur concerning why he no longer wants her after all the love that existed between him and his betrothed for nearly nine months. And he answered, "I hate her." We asked what his reason was, and he swore that he had no reason, that he simply hated her with no reason.

We told him that this claim is not true for several reasons. The first reason being that revulsion does not come upon a person suddenly after complete love that lasts nine months, unless some new reason presents itself. And since you swear that you have no reason, you have not in fact experienced hate and revulsion. Moreover, we have reliable witnesses that from the beginning of this matter you betrothed her only on the presumption that she was not *sürgün*,[6] so that she might go with you wherever you wish, and now that you have heard that she is *sürgün*, you no longer want her, and you have sworn that you had no other claim.[7] But when you learned that, owing to the contracts between you, you could not succeed [in ending the betrothal] with this claim, you returned and said that you had already sworn by the life of the king not to marry her. And when you saw that neither claim was effective for you, you

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6 A member of the exiled congregations. See pp. 11–15, 18–19, 46–47 above.

7 Originally, your claim for ending the betrothal was that your betrothed was *surgun*.

returned and claimed that you hate her. Thus, by virtue of all these changes in your claim, it is absolutely clear that your claim of hate and revulsion, which you claim to be a true claim, is only for the purpose of achieving your desire [to end the betrothal]. Thus being the case, we arose and ruled that he is not permitted to divorce her.

Document 8: HaLevi, *Responsa Zeqan Aharon*, 59:46a

[Members of an unnamed congregation seek to leave the congregation and establish a new congregation.]

May God make you as Efrayim; may you be as a well- watered garden and a wellspring of water, may He bless you with blessings that exceed the blessings of heaven; may your eyes see Jerusalem, O tranquil dwelling, seven times luminous, Ḥakham, Rabbi Ya'aqov Mim, may God protect and redeem him.

You ask me to give my opinion on a matter that happened in your place, that members of a congregation, who had no quarrel with the other members, were led by their hearts to leave the congregation and establish a synagogue for themselves only, and this with no reason, quarrel, or disagreement concerning any matter on earth, simply because this was their desire. Those who left were one fifth or one sixth of the congregants in number and one seventh in quality,[1] and now they have lodged a claim to receive from the people of the congregation a portion of the property belonging to the religious endowment trust:[2] pomegranates,[3] belonging to the trust, curtains,[4] Torah mantles,[5] and Torah scrolls all belonging to the trust.

And the members of the congregation declare that they did not expel these persons from the congregation in either deed or intention, but that they left for no reason and, thus, should receive nothing. The property was consecrated[6] for the use of all who worship there, and the congregation exists as an independent entity together with the majority of its members and property. Both groups contributed to the congregation, and the loss is that of those who are now leaving

This is the essence of the query.

Response: From all this, it seems that the only partnership here, is a partnership in meritorious acts, such as a synagogue to worship in, a

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1 This apparently means wealth.

2 The religious endowent trust was the legal owner of the synagogue and all its associated property.

3 In Hebrew, *rimonim*—Torah ornaments made of silver or gold in the shape of pomegranates. Pomegranates symbolize the abundance of wisdom conventrated in the Torah.

4 *Mapot* in the original.

5 Ẕa'ifim.

6 Donation of property to a synagogue or other religious or charitable institution is referred to as "consecration" (*haqdashah*).

Torah scroll to read from, a lamp to light for atonement in the synagogue. Just as the members of the congregation are not permitted to expel persons from the synagogue, so they are not permitted to leave and take the synagogue's holy objects with them. And since words seem superfluous, and an extensive treatment of such matters seems to be effort expended in vain, I will discuss the matter but briefly and say that there are three types of consecration. The first is that which the members of the congregation perform together by way of donations for the purchase of a house of prayer to pray in, and they compel one another, as written in the *Tosafot*:[7]

The residents of a city compel one another to purchase themselves a synagogue, and to purchase scrolls of the Torah, Prophets, and Hagiographa, an ark[8] and a chest.

All the contributors have an equal share in all these gifts, and all of them are designated for their holy purpose.[9] They are designated for the exclusive use of all who worship in the synagogue and all who come after them—no individual has control of them. The second type of consecration consists of articles consecrated by individuals to atone for their souls and the souls of their ancestors—articles such as silver pomegranates, decorative scarves, and Torah mantles; curtains for the holy ark; the *menorah*;[10] lamps; and similar holy items. Those who contribute these items have them in mind constantly. They never forget them, and each person cares for what he contributed and takes pride in it.[11]

The third type of consecration consists of articles contributed to a particular synagogue by outside persons not counted among the regular worshippers, or persons who have left the city or have passed away and have no heirs by whose name the articles are known. This last type belongs to the congregation and to those worshippers who are considered members, and anyone who leaves the congregation is no longer considered a member. And it is presumed that whoever consecrates an article, does so at the behest of the congregation,[12] and no individual has any

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7 Thus in the original. According to *Kesef Mishneh, Hilkhot Tefilah* 1:1, the passage is actually from the *Tosefta* and is quoted by Rif (Rabbi Yiẓhaq Alfasi) on the first chapter of *Bava Batra*.

8 Ark to hold the Torah scrolls.

9 Articles designated for a holy purpose may not be used for anything else.

10 Ceremonial candelabrum.

11 That is to say that the personal connection to such items is never broken.

12 Anyone who consecrates an article agrees tacitly to whatever terms customarily regulate consecration in that congregation.

rights in any such item.[13] This applies to consecration of the first type as well. Anyone who contributes and participates in that meritorious deed is duly rewarded,[14] if he wishes to stand in prayer with the congregation and wishes his prayer to be pure and desirable to God.[15] Now if an individual or even two—both together being individuals in relation to the majority—leave the synagogue, they have no share in property acquired at the behest of the congregation and in the name of the synagogue. The synagogue as already acquired such consecrated property, and the individual who leaves will dare to ask a share only out of pride and selfconfidence. If this were not the case, whenever a group of people came together and voluntarily purchased a synagogue, one individual would come forward and demand a portion of the walls or of the Torah scroll. No one would even consider such nonsense, and those who made contributions never harbored any such thought.[16] And this presumption is certain, strong, and binding.

The second type of consecration, however, has a different status. For every individual who has silver pomegranates for a Torah scroll or any other holy item may take them with him to wherever he pleases, because most people consecrate objects so they can take pride in them—that is to say, in the congregation in which they worship. Thus it is proper that when a person leaves that congregation, he may take them with him to the congregation where he worships. Hence, regarding those persons who left to establish a synagogue for themselves, and who say that the Torah scroll consecrated by such-and-such a person, who is one of them—as well as articles consecrated by so-and-so—must be in the place where they worship: [the Torah scroll] exists and is readily available, and is known as his, since he did not consecrate it with the intention that others read from it and use it as in the verse, "Thine ox shall be slain before thine eyes..."[17]

... But when one consecrates a *menorah* [or similar article] to the synagogue, if it has already undergone some change for a holy purpose, even if the name of the person who consecrated it was not forgetten, that which is done is done.[18] But if it has undergone no change, and he

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13 I.e., items of the third type.

14 By God.

15 Having contributed his fair share, and borne the expenses along with the other members of the congregation, his prayer will be pure and acceptable to God.

16 Never imagined that they retained any rights in what they contributed.

17 Deuteronomy 28:31.

18 I.e., by virtue of the change, ownership passes to the religious endowment trust.

protests, it is clear that they have no right to change it, even for a holy purpose. And as he has the power to prevent the congregation from changing it, so he may take it with him to the synagogue where he worships. In conclusion, there is a difference between that which a person contributes but no longer has some identifiable independent existence, but rather has been absorbed by the organization of the city's residents, and something that remains independently identifiable and whose owner is present. Just as the object is known by the name of its contributor, so does he retain control over it, and it is a monument and a memorial [to him].[19] May your days pass as a member of the wise and your welfare flourish. So it appears in my humble opinion.

[Signed] Eliya HaLevi

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[19] "Monument and a memorial to his good name"—based on Jes 56:5: "*yad va-shem tov*."

Document 9: HaLevi, *Responsa Zeqan Aharon*, 112:70b

[A group of people from an unnamed Romaniot congregation is leaving the congregation. The members of the group are demanding their portion of the commonly owned property.]

That which you ask concerning a congregation which had among its members an agreement and a written document that no person would take leave of his brothers and that all of them would be of one heart to help each other in both joy and mourning. And a few members arose after eating and drinking and wrote hateful things against part of the congregation and conspired against them, and wrote and signed a document according to which they will not be in joy or mourning with anyone who does not eat or drink with them for any reason great or small. And they also wrote in this document that they will recognize only one specific rabbi, and that he will be the chief rabbi of all the congregations, that no one will appoint a rabbi, and that no man will accept such an appointment, even if forced to by the non-Jewish authorities. And in addition to the fact that there is already a rabbi of these congregations, [they decreed] that no one will go to any rabbi who is not from among them[1], and every divorce or *haliẓah*[2] executed by any other rabbi will be null and void, and anyone who does[3] will be excommunicated.

When the dignitaries of the congregation saw what these persons had done, they were deeply troubled. They went to them to appease them and warn them to return, but they did not want to. Thus, they were compelled, for this reason, to separate themselves and pray in another place until such time as they might return. And now, they have requested items of the congregation's consecrated property: books, silver vessels, and so forth. Money also remains in the charity fund, and in the soup kitchen fund, and oil remains for lighting. Money was also received from the sale of consecrated goblets to the members of the congregation (according to the ruling of judges chosen by the congregation when there was still peace among its members, and the members passed a ban of excommunication that everything done will be done, and that no man would later question [these sales], and they ruled that these moneys would go to the charity fund).

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1 I. e., they will use the services only of Romaniot rabbis and not Sephardic rabbis.
2 Release from the obligation to perform levirate marriage.
3 I.e., anyone who uses the services of rabbi who is not "from among them

Now we must ask whether to divide the things mentioned, and whether they are to be divided according to the number of men, the number of persons, or according to the wealthy man and his ox and the poor man and his ox,[4] and whether there is a difference between those who joined the congregation recently and those who joined long ago.

Response: Someone should see that these persons at least nullify—if possible—the ban of excommunication according to which no one may separate himself from the others and the document they drew up to overrule the agreement of the congregations, since they too are bound by that agreement not to do any act, since God does not attach bad intentions to acts, and one cannot take an oath upon another oath.

Concerning the division, know that all the moneys in the charity fund are like a fund held in partnership by all members of the congregation for the purpose of paying money to the poor and captives, and for any difficulty that may come upon the congregation, and all charity money, unless otherwise stipulated is for the needs of the congregation.

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[4] Should the division be based upon the number of persons in each group (males only or all persons), or according to the financial resources of each group? If the latter, the wealthier group would receive a larger share, since it is presumed that the wealthier group contributed more to the congregation. The phrase, "according to the wealthy man and his ox and the poor man and his ox," is based on *Pesaḥim* 118a, "Praised be God who in collects His debt [i.e., punishes] from a person according to that which He has granted him—from the wealthy man, he takes his ox; from the poor man, his sheep; from the orphan, his egg; from the widow, her chicken."

Document 10: Ẓonẓin, *Responsa Haḥalah li-Yhoshu'a*, 10:10b

[When a person moves to a new location during the tax year, what is his tax liability to his previous congregation?]

Question: Concerning a city with a Jewish congregation located in it, and there exists an agreement in the aforementioned congregation that any Jewish person who is a permanent resident on Rosh ha-Shanah[1]—even if he moves during that year and fixes his dwelling in another city—will not be exempt from paying all the king's levies: the *haraç*,[2] and the taxes and assessments of that year in the aforementioned city together with his brothers. And today Re'uven,[3] of the city mentioned, moved from there after the holiday of Sukot.[4] In that year, there was an incident, and all residents of that country were compelled to pay a sum of money as a compulsory loan [to the government], as is well known, and all the Jews living in that city gave their part. Now they ask Re'uven to pay his portion that he owes to that yoke on the basis of the aforementioned agreement. But Re'uven claims that this is theft in every respect and not included in the agreement. May our teacher instruct us who is correct and be rewarded by heaven [for ruling on this matter].

Response: In my humble opinion, it appears that Re'uven is exempt from bearing this yoke, for had there been no agreement, Re'uven would have been exempt from every sort of tax imposed on citizens....

He is obligated to pay only those taxes imposed before he left the city, and even those not collected by that time. His liability is determined by the time of decision and imposition of the tax.

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1 The Jewish new year.

2 The poll tax, known also as *cizye*. See pp. 26–28 above.

3 Re'uven is a fictitious name, like the American "John Doe."

4 Approximately three weeks after Rosh ha-Shanah.

Document 11: Ibn Ḥayim, *Responsa, Mayim 'Amuqim*, 71:119b

[The Sephardic congregations prohibited their members from joining the Romaniots in an organization to establish a House of Study in Tiberias, Palestine.[1]]

Jewish persons, God-fearing persons, who treasure and revere God's name, persons of the holy congregation of Romania, together with a few members of the holy Sephardic congregations, may God protect and redeem them, were motivated by a generosity of spirit to perform the meritorious deed of establishing and maintaining a House of Study in Tiberias. They drew up agreements among themselves to regulate their activities together, and the agreements were set forth in writing.

Among their various agreements is one agreement that establishes the following:

We agree that whoever is signed upon this agreement will not be permitted, for any reason or pretext, to remove from himself the yoke of this meritorious deed[2] for as long as he has the strength to bear it, nor may he leave this association. Even if the members of his own congregation, or anyone else, so decrees, he will remain in the association and share in its burden. And he will remain a member for the rest of his life.

The agreement concludes:

All the members signed here have accepted upon ourselves, with God's consent and with God's help, etc., under penalty of every curse in the Covenant, and so forth, under curse and oath of every stricture written in the Torah, and ban of excommunication, the snake of our rabbis whose bite has no remedy, and so forth.

Now, however, all the Sephardic congregations have agreed among themselves and made different arrangements for performing the meritorious acts mentioned[3] and decreed concerning several members of the holy Sephardic congregations, members of the aforementioned association, that they must leave that association and have no involvement whatsoever in that meritorious act.

These persons[4] are acting in good faith and accept upon themselves the decree of their congregations. However, they fear for their souls, lest they be liable for punishment owing to the severity of the curse and

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1 The Jewish community of Tiberias was reestablished by Doña Gracia Nasi in 1560. See p. 211, ref. 47 above.

2 "*Miẓvah*" in the original.

3 I.e., establishing and maintaining a House of Study in Tiberias.

4 I.e., the Sephardic Jews who joined the former association.

oath they took along with the other members of the aforementioned association.

Beyond that which all the congregations have agreed this time, there exists a prior agreement, undertaken by the congregations in the past, and set forth in writing. Its text is as follows:

Being an ancient agreement undertaken long ago by the authorities of that time, and we too confirm and obey it with no date of expiration, as instituted by the authorities: that no Sephardic person, may God protect and redeem them, be permitted to establish any association, even for the purpose of performing some meritorious act, without the consent of the authorities of the holy congregations. Not everyone who wishes to take the name upon himself may come forth and take it, this day have we seen,[5] etc.

On the basis of this agreement, it appears that it was long since forbidden to them [to join the first association mentioned]. They[6], however, claim it was permitted on the basis of a compromise, which included a designated day for them to collect [charitable contributions]. They further assert that at the founding of their association, they did everything with the consent of the chief judge of a rabbinic court. Thus, it is proper that they ask what to do, and they will do whatever they are instructed.

Response: ... Know that each and every congregation has authority over its members, and so forth, and those who swore against the congregation's agreement did not act properly and were not permitted to do so, etc. This is comparable to one who swears not to repay a loan or not to pay what he is obliged to pay along with the rest of the congregation. Such persons must consult with a legal authority concerning their oath and accept upon themselves whatever the authorities and congregation impose upon them.

And if the words of this response seem difficult and difficult to understand, they mean simply that their oath is binding; hence they must appeal to a rabbinic authority to release them from their oath, as is the law of oaths of declaration.[7]

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5 I.e., not everyone can be an authority unto himself.

6 The Sephardi Jews who joined the Romaniot association.

7 An oath in which a person explicitly obligates himself to perform a particular act or refrain from performing a particular act, the performance or abstention being matters within the person's capability and control. See Leviticus 5:4; and Maimonides, *Hilkhot Shevu'ot* 1:1-2.

... But they claim, that what they did was not bound by the pre-existing agreement, that the pre-existing agreement only prohibited Sephardic Jews from establishing an organization or prohibited members of an existing Sephardic organization from creating the [new] organization to include members of Sephardic congregations. In matters such as this, however, the Sephardic Jews did not themselves establish the aforementioned association. It was the Romaniots who established the organization by themselves and individual Sephardic Jews then joined them. They are incidental to this organization, and all that is done by the organization is done at the behest of its Romanian members. For this reason, such an organization is not included in the regulation—so the argument goes—unless the rabbinic authorities and those who passed the regulation declare that it applies even to situations such as this.

The said authorities stipulated that the [new] regulation is valid regarding those who joined the Tiberias association, since it is dependent upon the preexisting regulation and the said individuals stipulated that they would uphold and obey the pre-existing regulation. But this entire line of reasoning appears far fetched, for from then until now it has become a daily occurrence that members of the Sephardic congregations join organizations of the Romanian congregations, then can find no way out.[8]

And it would be good if the other members[9] granted them permission to appeal to a rabbinic authority to release them from their oath, on condition that [the Romaniots] can perform this meritorious act without [the Sephardic Jews], and on condition that their organization will not be lacking without them if they do not continue to be active in the organization, for they[10] are but a small minority of the organization. And the House of Study in Tiberias, moreover, will not lack anything for that, since the Sephardic congregations have already made arrangements for its maintenance; thus they will bear no guilt. And the entire people will be at peace. This is what appears correct, in my humble opinion.

Humbler than the dust of the earth, Eliyahu Ibn Ḥayim

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8 Other than appealing to a rabbinic authority to release them.

9 I.e., the other members of Romaniot-Sephardic organization for the Tiberias House of Study.

10 The Sephardic Jews.

C. Between Karaites and Rabbanites: Who Owns Wisdom?

Document 12: Mizraḥi, *Responsa*, 57:176-192

Concerning a ban of excommunication issued against teaching Karaites:

Concerning the ban of excommunication issued by certain members of the congregations of the city of Qostandinah, together with the city's leaders, in the synagogue of the Poli congregation, that no one teach the Karaites any subject at all: not Bible, Mishnah, Talmud, *halakhah* or *agadah*, not biblical commentaries—be they commentaries on the plain literal meaning of the text, be they mystical commentaries—not any sort of Greek wisdom (may the name [of the Greeks] and their memory be obliterated) not logic, science, metaphysics, mathematics, fractions, astronomy, music, ethics, or any branch of any of these disciplines, not by way of instruction, not by way of enquiry, argument, reading, or even by way of combining consonants with vowels as young children do [as they learn to read].

And they sent for the rabbi, head of all the city's congregations, to issue this ban of excommunication, but he refused, declaring that it is wrong to prohibit that which is permitted. And the rabbi further declared that this knowledge, expounded by the Greeks, is known to be knowledge they derived from their own minds and from the results of their own studies and that all are permitted to teach such subjects to Christians, to Muslims, to Karaites, and to any nation one pleases. And since there is no prohibition whatsoever, how can you issue a ban against this?[1]

And the rabbi saw that his words were not obeyed, and he set the next morning as a time limit [to decide upon the matter]. When those acting on behalf of the ban saw that the rabbi intended to let the night pass [without coming to them (in order to gain time)], they arose and passed a ban of excommunication to compel themselves to assemble in the morning to carry out their intention. [According to this ban,] no one was permitted to change his mind, even if many people should come to the opposite conclusion.[2]

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[1] All this is the respondent's summary of the rabbi's response to those who requested the ban.

[2] I.e., even if the majority should conclude that it is not proper to issue a ban against teaching Karaites.

Now when the teachers heard of this scheme, they cried out against those acting on behalf of the ban, declaring, "Why do you prohibit to us that which is permitted from our fathers and our forefathers down to this day! These subjects are books written by the Greek sages, may their name and memory be obliterated. And they have been taught from the day they were written to this day from nation to nation, by Christians to Jews and by Jews to Christians, by Muslims to Jews and by Jews to Muslims, by Christians to Muslims and by Muslims to Christians. Many leading scholars of our people have taught Karaites, Christians, and Muslims to support themselves and earn an honorable living and avoid the need to humiliate themselves with other labors, and not a single person has been found to say a word against them. What now is our crime, what now our sin that you fall upon us and oppress us with the sword of excommunication when we have done no wrong?"

And a number of teachers arose and went to the Leading Rabbi of all Qostandinah's congregations, and protested this. The rabbi answered that it is not a good thing which [those trying to impose the ban] want to do, that they do not have the power to prohibit to any man that which is permitted to him. Now, he said to the teachers, return to your tents, and I will proceed at my own pace, to deter them from carrying out their intention.

As the teachers spoke to him, a number of the leaders active on behalf of the ban appeared, for they had heard that the teachers went to protest. And the two groups quarreled with each other until the shouting was very great. Those involved in issuing the ban left in great anger and summoned various disreputable characters with clubs in their hands to beat anyone who dared protest against the group gathered in the Poli synagogue and acting on behalf of this ban.

In the morning, the teachers convened a very great assembly consisting of members of the congregations and the city's leaders and elders, in the Zeitun synagogue. There they called upon the Leading Rabbi to nullify the scheme of the assembly convened to issue the ban. The rabbi came [to the Zeitun synagogue], and just as he began to speak, emissaries arrived from the other assembly and said to the rabbi, "Why will you not come to us at the Poli synagogue, where the first assembly is convened, but rather attend this other assembly?"

And the rabbi spoke and answered, "Because I saw that you have been joined by empty and impulsive persons whose intent is evil—to maintain this confrontation—persons who would carry out your intention by any means, legal or illegal."

Though they beseeched him to go with them, he refused; hence they continued sending [emissaries] saying, "If you agree to go with them, it will be good for you, and if not, know that the entire assembly has already accepted and agreed to appoint another rabbi in your stead to lead and rule them."

When the rabbi heard these things, he arose and went, some of the elders of Israel accompanying him.. And the oppressors stood at the entrance to the Poli synagogue—clubs in their hands—to know who this is and who it is that took it upon himself to frustrate their scheme. And they proclaimed, "Whoever is a stranger to our plan and comes near the entrance to this hall where they are meeting to issue the ban, will surely die." The teachers who heard this evil thing were thus unable to come near, speak, and present their case. And the rabbi saw that no teacher was there and that no one there dared speak on behalf of preventing the ban—for fear that the oppressors might fall upon them—and that on the previous day, the assembled had passed a ban requiring that none of them change his mind, even if they hear every conceivable argument against their intention and even if the opposing opinion becomes the majority. Hence the rabbi remained silent, speaking not a word of good or bad. And those who opposed the teachers arose in the house of the Lord, and they took up Torah scrolls and passed the ban in a great voice, as they had planned.

It appears to me that this ban has substance for no one except those who agreed to it, and no one else.... Behold, it is totally clear to you from this response[3] that the ban passed by the assembly at the synagogue of the congregation of Poli—against teaching the Karaites even matters of Greek wisdom—is binding only upon that assembly, upon all those who accepted it. Anyone who did not accept it, however, even one who took part in that assembly alongside those who passed the ban, even if he held a Torah scroll in his arms—he is not bound by the ban at all. And this applies with even greater force to anyone who was not present and who arose and protested. For it is clear and obvious that this ban has no effect whatsoever, whether those who issued it intended it as an oath or a *nidu'i*.[4] And if this is point certain, it is even more certain that the prohibition of creating division within the Jewish community would not apply here, unless some of the teachers had agreed to the ban

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[3] Mizrahi refers to Maimonides' response on the same subject. See *Responsa* (in Hebrew) (ed. J. Blau), vol. 2 (Jerusalem: Meqizei Nirdamim, 1960), 329:596-99, and compare note 7 below

[4] Synonym for excommunication.

and some not. Were that the case, the minority would be obliged to accept the will of the majority to prevent the formation of separate groups and the increase of disagreement among the Jewish people. If that were the case here, it would have been comparable to the question of the aforementioned response[5], where some of the people wanted the ban and would listen to no one [who spoke against it], and some did not want the ban and wished to listen to whomever they desired. Here, however, in the question under discussion, where there is no disagreement among the teachers, where all were of one agreement to reject the ban passed against teaching the Karaites, and all wished to continue teaching them as before—here it is clear that the prohibition of creating division does not apply, and this is easily understood.

Nor can we say that this ban does not concern a discretionary matter.[6] Like the ban discussed in Maimonides' responsum,[7] it concerns neither fulfillment of a commandment nor deterrent from prohibition. And it cannot be argued that it concerns deterrent from prohibition—that these Karaites are heretics who deny the oral Torah, and are among those whom we are obliged to cast into a potential grave,[8] and that it is, therefore, not proper to elevate them by instruction in subjects that illuminate the intellect given that there is no greater elevation.[9] Were this the case, it would be improper to teach these subjects even to Muslims and Christians, who though they are not among those who are to be cast down into a potential grave, are not among those who are to be elevated from it.[10] If instruction in these subjects could be considered *elevation*

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5 Text to ref. 3 above.

6 A discretionary matter, i.e., a matter not regulated by Jewish law, a matter that is neither prohibited nor obligatory.

7 *Responsa*, vol. 2, 329:596-99.

8 According to Jewish law, heretics are to be executed by being cast into a pit. See ref. 10 below.

9 I.e., illumination of the intellect is the greatest elevation. Nevertheless, it cannot be argued that it is prohibited to provide the Karaites with knowledge that illuminates the intellect.

10 The word *elevate* is used in two related but different senses here. In the previous sentence, intellectual illumination is discussed in terms of *elevation* of the spirit. In the present sentence, *elevation* refers to literally elevating a person, i.e., hoisting him up and rescuing him, from a pit where, if forced to remain, he will die. Rabbi Eliyahu Mizraḥi's discussion of elevation is based upon a *beraita* cited in the tractate *'Avodah Zarah* 26a-b: "Rabbi Abahu taught in the presence of Rabbi Yoḥanan: 'Idolators... are not to be elevated [from a potential grave] or cast down [into a potential grave]; heretics..., however, are to be cast down and not elevated.'" In other words, while there is no obligation to execute idolators, it is not permitted to rescue them from danger. Heretics, on the other hand, are to be executed. Maimonides, *Hilkhot 'Avodat Kokhavim* 10:1,

[in the prohibited sense], it would be prohibited to teach Muslims and Christians as well. But this is not the case, for they themselves[11] admit that there is no prohibition against teaching these subjects to Christians and Muslims. Go and see how the [Jewish] people has spoken in all places where members of our people live, how they teach Christians and idolators. There is not a single authority in any city who prevents this.

So it appears from legends attributed to Maimonides of blessed memory, that most of his teachers in these subjects were Muslims, and that members of other peoples as well came to him to have him teach them these subjects. Moreover, any number of queries and responses passed between him and the other nations regarding every conceivable discipline.

Furthermore, such study brings absolutely no benefit to the soul in the world to come. If it did, the Torah would have commanded us to study these subjects in order to increase our reward in the world to come, and we have not found a single authority anywhere on earth who has so ruled.[12] On the contrary, some authorities prohibit their study altogether. And even those who permit such study have not ruled that it is obligatory. Thus, the benefit derived by the soul from these studies is comparable only to the benefit derived from books about the kings and their wars, books such as Alexander, Josippon,[13] and the like from the historical works of every nation. Just as it is not prohibited to teach the Karaites from those books, even though the soul is elevated and enjoys these stories, the tricks, tactics, and strategies, which the kings innovated in their wars—so it is not proper to prohibit teaching these subjects, even though the soul enjoys them.

There exist many types of study, such as various games and the like, which have books written about them and from which the soul is elevated and takes pleasure. Will it be said, then, that it is prohibited to

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rules according to this *beraita*. Mizraḥi goes on to discuss whether elevation of the spirit provided by intellectual illumination violates the prohibition of *elevating* an idolator from a potential grave.

11 I.e., those who passed the ban.

12 No authority has ruled that there is an obligation to study the subjects in question

13 Josippon is a history of the second Temple written in Hebrew by an anonymous author and completed in 953 CE in southern Italy. Certain editions of Josippon contain a short Hebrew work translated from Greek. This work consists of a condensed legend about Alexander the Great attributed to Calisthenes and a Byzantine Greek Chronicle of the period from Alexander to Tiberius. These appear to be the works to which Rabbi Mizrahi is referring.

teach them to the Karaites because they grant so much benefit and pleasure to the soul? This is absurd. Why should we waste words over such claims and similar ones, claims that contain nothing but argument for argument's sake and nothing more?!

In conclusion, since these subjects originated with the Greeks, who derived them from their own minds, they are not the living words of God. They are similar, rather, to crafts and the like, which may be taught to anyone from whom one wishes to profit. Those who issued the ban against teaching Greek wisdom for profit are like those who would issue a ban against teaching all other crafts. In this, they seek to prohibit others from doing that which is permitted, and by issuing such a ban, they oppress them and cut them off from their livelihood. Such actions are prohibited without a doubt.

This applies with even greater force where some damage results. For we have seen with our own eyes, and no one can deny that since the teachers have refrained from teaching the Karaites, study has diminished among the Rabbinites as well. It has been diminished until nothing remains. This is because when the Karaites study rabbinic *midrashim*, the Rabbinite students envy them and exert greater effort in their studies, because envy among scholars results in greater knowledge. And when they stopped teaching the Karaites, there was no more envy, and there was less Torah among us, and *there is no greater damage than this!*

Now you may argue that there *is* [heavenly] reward for studying these subjects. Indeed, this is the opinion some of the scholars of our Torah, the noble philosophers, such as Maimonides of blessed memory and the ḥakham Rabbi Avraham Ibn 'Ezra,[14] of blessed memory, and those like them. However, even if this is the case no matter how the case is presented, we can conclude that it is permitted to teach them to the Karaites and that there is no prohibition. If, on the one hand, [a Karaite] receives no reward for studying these subjects because he denies the Oral Law, because the Karaites are among those who have no portion in the world to come but rather are cut off, destroyed, and judged forever and ever for the greatness of their evil and sin—as Mai-

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[14] Avraham Ibn 'Ezra (1089–1164), poet, grammarian, biblical commentator, philosopher, astronomer, and physician. Ibn 'Ezra was born in Toledo and wandered through Spain, North Africa, Italy, France, England, and probably Egypt and Palestine as well. His liturgical poems of penitence and supplication as well as many of his hymns have been included in the Jewish liturgy, especially for festivals. See *EJ* s.v. "Ibn 'Ezra, Abraham."

monides writes in the third chapter of *Hilkhot Teshuvah*[15]—if so, they derive no benefit from studying these subjects, even though such study benefits other persons.[16] On the other hand, if they *are* rewarded for studying these subjects, if studying them rescues them from the judgment of hell even though they deny the oral Torah, which is actually impossible—if this is be the case, then there is no prohibition [against teaching them] whatsoever. Reward given in the world to come is not of man's doing but rather God's. Thus if, owing to the study of these subjects, God wishes to waive their punishment though they cling to their denial, then—given that they become pleasing to God and God is pleased by them and draws them near to Himself—those who teach them and try to bring them back to the fold can perform no act more meritorious than this. That which is prohibited [to grant them] is only benefit *that comes from us* [not from God], benefit such as healing them, assisting their wives in birth, and nursing their children. These things are prohibited because they are the opposite of God's will, for He desires their destruction. Here, however, where the benefit comes to them from the Creator, may His name be blessed—on the contrary, anyone who makes an effort in this direction, is making an effort to return the wayward to the fold. And there is no meritorious act that can compare with this act which brings benefit to all.

Moreover, contemporary Karaites are not heretics[17] who deny the oral Torah on their own initiative like the Ẓaddok and the Boethus[18] who embraced their heresy by virtue of their own reason and denied the Torah in revulsion. Such persons have the status of rebels. Contemporary Karaites, however, [do not have the status of rebels but] are comparable to an infant taken captive among the nations who is lost to Torah and Judaism. We are not commanded to punish such a person even if he later learns that he is Jewish. His situation is one of duress, because the non-Jews reared him on their error.[19] So does Maimonides of blessed memory write in the third chapter of *Hilkhot Mamrim*[20]

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15 Op. cit., *halakhah* 8.

16 This entire line of reasoning is presented according to the opinion that the study of Greek wisdom is rewarded in the world to come.

17 *Minim* in the original.

18 The Midrash links the Zaddokites and the Boethians together as opposing the Pharisees and denying reward and punishment in the world to come (*Avot de-Rabbi Natan,* Version A, 5). Concerning the debate whether Karaites have the status of Zaddokites and Boethians, see J.C. Attias, "Intellectual leadership," 71.

19 Here Mizrahi uses the root T. 'A. H.—to lose one's way.

20 *Halakhot* 1-3.

One who does not admit to the existence of the oral Torah is not the rebellious elder[21] mentioned in the Torah but is rather classed with the heretics,[22] and may be executed by anyone, once it becomes known to all that he denies the oral Torah. He is to be cast into a pit[23] and not elevated from it, like all heretics, epicureans,[24] and so forth. To whom does this apply? To one who denies the oral Torah in his own mind and by virtue of his own conclusions, following the arbitrariness of his own heart and whim, one who denies the oral Torah on his own initiative—and to his disciples.[25] But their children and their children's children, who were led astray by their fathers, who were born to heresy and reared on it—they are like an infant taken captive among the nations, and reared in their religion. Such a person is under duress, even if he later learns that he is Jewish and observes other Jews and their religion, he is under duress, for they have reared him on their error.[26] So it is with children who follow in the error of their fathers. It is therefore proper to bring them to repent, and appeal to them in ways of peace until they return to strength, to the Torah. And one should not be hasty to kill them.[27]

One should not infer from the words, "And one should not be hasty to kill them," that it is proper to kill them after we have tried to bring them to repent if they did not want to listen, for Maimonides previously declared them comparable to an infant taken captive among the nations, who is in no way punishable by death.

Even though an infant taken captive among the nations does not want to repent, since he is deemed to be under duress he is exempt from punishment by death, as we understand the exclusion, "except for one under duress."

Moreover, we have already found in a responsum on whether it is proper to circumsize the children of Karaites on the Sabbath, that Maimonides of blessed memory holds it proper to honor them and draw them near by virtuous deeds, to be humble towards them and behave in ways of truth and peace, as long as they conduct themselves towards us

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21 *Zaqen mamreh* in the original.

22 *Minim* in the original.

23 See note 10 above.

24 *Apiqorsim* in the original.

25 I.e., those influenced by him directly but not their descendants.

26 Maimonides uses the root 'T.'A. H., which means to err. Cf. ref. 19 above.

27 The words, "And one should not be hasty to kill them," do not appear in standard printed versions of the *Yad ha-Ḥazaqah*. They do appear in *Ketav Yad Teiman* and other early manuscripts.

without guile, do not speak harshly to us, and do not slander the generation's Rabbinite authorities.[28]

Thus, it is proper to honor them, to enquire after their welfare—even when this entails going to their homes—circumsize their children, bury their dead, and comfort their mourners. Now if they were punishable by death for not having repented, how could we enquire after their welfare and circumsize their children—and even on the Sabbath! In a short time it becomes clear whether a person will repent; thus being the case, why should we violate the Sabbath by circumcising their sons of people punishable by death?

Maimonides' responsum does not even deal with Karaites who have arrived in a city recently or Rabbinites who have arrived in a city recently. The responsum discusses, rather, Rabbinites and Karaites who have lived [together] in the same city from time immemorial—as one might say, "for a thousand years." How, then, can the Rabbinites circumsize the sons of the Karaites when all is known, when all this long time, the Rabbinites have requested of them to repent and they did not? If for a thousand years they have not repented, how can we be permitted to violate the Sabbath by circumcising their children? How can we be permitted to honor them—on condition that they honor the authorities of our generation and do not publicly disregard God's holy festivals—if it is true that they are punishable by death and if it is true that it is proper to act to have them killed, not on behalf of their welfare and honor!

Moreover, it is implied in what Maimonides has said—as long as they conduct themselves towards us without guile, do not speak harshly to us, and do not slander the generation's [Rabbinite] authorities, and so forth—that though they continue to err, since they do not denigrate the generation's authorities or violate the festivals in public (although we know that they violate the festivals in private) it makes no difference to us. Additionally, since Maimonides designates no time at all to determine that [they must repent] by such-and-such a time, it may be inferred that this activity, this enquiry after their welfare and circumcising their children applies always—on condition that they do not take matters lightly.[29]

From all this, it may be inferred that it is not proper to kill them, even if we try to bring them to repent and they do not listen to us. Thus

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28 Maimonides, *Responsa*, vol. 2, 449:729-32.

29 I.e., fulfill the conditions enumerated above.

you have no choice but to take the words, "And we should not be hasty to kill them," to mean that we *may not kill them.*

...

As Maimonides of blessed memory has written, these Karaites are persons who err, and we must appeal to their children's children with words of peace until they return to the strength of the Torah. How will they return to the strength of the Torah if we do not inform them of the Torah's reasons?[30] Perhaps in the time of Rabbi Yoḥanan Ben Zakai they denigrated the honor of the Sages, and for this reason he did not wish to reveal the Torah's reasons to them. If, however, they would have undertaken not to disparage the Sages, from that time forth he would have taught them and revealed to them the Torah's reasons.

So have our teachers Rabbi Eliya HaLevi[31] and Rabbi Eli'ezer Capsali[32] ruled. These were men of extraordinary piety and great legal authorities who taught the oral Torah to Karaites, because the Karaites had accepted upon themselves not to violate God's holy festivals or denigrate the honor of the authorities living and dead (of sainted memory). Rabbi Mosheh Capsali[33] disagreed with them for teaching Karaites the oral Torah, which the Karaites do not accept. Nevertheless, they maintained their ruling and did not accept his words, because they held that it is permitted to teach anyone who undertakes not to sin publicly or denigrate the honor of the authorities of blessed memory. They reached this conclusion by reasoning a *fortiori* from the law concerning circumcision of their sons and by virtue of many other proofs that passed between them. And I was informed by our teacher, Rabbi Mordekhai Komotini,[34] of blessed memory, that his venerable teacher, Rabbi Ḥanokh Saporta, who was one of the leading authorities of Catalonia, a scion of one her finest families, a person of extensive erudition in the entire Talmud, an outstanding rabbi to the multitudes, and excelling in

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30 The reasons for the commandments; the philosophy of Judaism.

31 Rabbi Eliya HaLevi is not mentioned in any of the other sources. He might be the grandfather of Eliyahu HaLevi, the Leading Rabbi after Mizraḥi (1526–1535). See above, p. 76.

32 Not mentioned in other sources. Might be a relative of Mosheh Capsali.

33 Rabbi Mosheh Capsali was the first Leading Rabbi of all the congregations in Istanbul after the Ottoman conquest (1453~1498) (see above, pp. 66–74)

34 Rabbi Mordekhai Komotini (Komotiayno) (1402–1482) was one of the most important Romaniot rabbis in the fifteenth century. See J. C. Attias, "Intellectual Leadership"; see also Rozanes, *History*, vol. I, 26-31. Komotini's family originated in the town of the same name in northeastern Greece and not, as Rozanes writes, in Comitat, France. See p. 26, ibid. See also pp. 247, 258 above.

piety—taught Karaites every type of wisdom that they requested, including, Talmud, codes, Rashi, the Pentateuch, and profane subjects. There was no doubt about the matter, and there is no doubt these are authorities upon whom one can rely—qualified authorities on Jewish law and outstanding religious personalities. Who can doubt their rulings?

From all this, it is clear that the ban issued against teaching wisdom to the Karaites not only concerns a discretionary matter and has no connection to any commandment, but that it bears, rather, an aspect of sin. For as we have shown, owing to the abstention from teaching the Karaites, the Rabbinites themselves are prevented from learning. Thus being the case, not only is this ban not binding on those who did not accept it: on the contrary, those who participate observe it are guilty of diminishing the study of Torah, and should pray for mercy for their error.

Thus, the ruling that emerges from our words is this, that the ban issued by those assembled in the Poli synagogue—that Rabbinites may not teach the Karaites any subject on earth, from the subjects composed by the learned men of the nations, may their name and memory be obliterated—has no substance at all other than for, and only for, those who accepted it. Having accepted and agreed to it, they are not permitted to violate it. Thus, of those who accepted the ban, anyone who violates it by teaching any of the Karaites, child or adult, anything small or great of any subject on earth—and this applies with even greater force to any *midrash* of the *midrashim* of our Sages of blessed memory, any legend or commentary on the meaning of the biblical text, the meaning of any word in the Bible, whether it is to be accented on the final syllable or the penultimate syllable—even to the teaching of how to combine letters as young children learn, be it in secret or openly, be it on a regular basis or by happenstance, be it by means of question and answer or by way of argument: he is subject to this ban. And the ban enters his 248 organs and resides within his house, destroying it, its wood, and its stones, in accordance with the formulation they passed while Torah scrolls were held in the hands of three persons, a *Kohen*, a *Levi*, and a *Yisrael*, that no one be permitted to teach the Karaites any subject on earth even that the letter *alef* vocalized with the vowel *pataḥ* is pronounced *ah*—as the youngest children learn—the manner of study making no difference, be it question and answer or argument.

However, those who did not accept the ban and protested it in the market places and the streets—it is absolutely clear that they are bound

by no ban, oath, or *nidu'i*,[35] for several reasons. They did not accept or agree to this at all, and all the early authorities, such as Maimonides of blessed memory,[36] and the elder of Metz,[37] teacher of RabYaH[38] of blessed memory, and Rabbenu Tam[39] of blessed memory, as we shall see from the words of Asheri,[40] and from the words of Asheri's son, author of the *Tur*,[41] as Rashi has explained:[42] All agree that the rabbinic authorities of a city do not have the same power as the rabbinic authorities of the entire generation. The authorities of the generation can issue decrees binding upon the entire generation and pass regulations, estab-

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35 A synonym for excommunication.

36 *Responsa*, vol. 2, 329:596-99.

37 Rabbi Eli'ezer of Metz lived in the twelfth century. He was the leading student of Rabbenu Tam and teacher of Ravyah. His most important work, *Sefer Yere'im* is a halakhic work that surveys each commandment, setting forth all the details of how it is to be observed. Concerning Rabbi Eli'ezer of Metz, see M. Elon, *Jewish Law—History, Sources, Principles* (in Hebrew) (Jerusalem: The Magnes Press, 1978), vol. 2, 1043–1044.

38 Rabbi Eli'ezer Ben Yo'el HaLevi, known by the abbreviation RabYaH, was one of the leading Tosafists. He was active in Ashkenaz during the second half of the twelfth centurey and the early thirteenth century. He wrote *Avi Ha-'Ezri*, which follows the order of the Talmud. The work includes novellae and responsa, but its main purpose is to summarize and establish the law concerning various matters after clarification and discussion of the sources (Elon, *Jewish Law*, vol. 2, 1024).

39 Rabbenu Ya'aqov ben Rabbi Meir, a grandson of Rashi, was born ca. 1100 and died in 1171. Rabbenu Tam was the greatest scholar of the French school and was an assertive leader. Concering Rabbenu Tam, see Elon, *Jewish Law*, vol. 2, 922, 1234; and A. A. Aurbach, *Ba'alei Ha-Tosafot* (in Hebrew) (Jerusalem: Bialik Institute 1968), vol.1, 210.

40 Rabbenu Asher Ben Yeḥi'el was a rabbinic scholar of Ashkenaz and Sepharad during the second half of the thirteenth century and the beginning of the fourteenth century. His work, *Piskei ha-Rosh*, also known as *Sefer ha-Asheri*, follows the order of *Hilkhot ha-Rif*, by Rabbi Yiẓḥaq Alfasi, and condenses the talmudic discussion before issuing a halakhic ruling (Elon, *Jewish Law*, vol. 2, 1035–1037).

41 Rabbi Ya'aqov ben Asher "*Ba'al ha-Turim*," was born in Ashkenaz, ca. 1270. He fled to Spain with his father in 1303. Rabbi Ya'aqov ben Asher served as a judge in Toledo and died in Sepharad in 1343. His work marks an important milestone in the codification of Jewish law. It is arranged in four volumes (*turim*): *Ḥoshen Mishpat, Even ha-'Ezer, Oraḥ Ḥayim*, and *Yoreh De'ah*, that encompass all aspets of Jewish life. It is a halakhic work based upon the rulings of Rif. Where Maimonides or other halakhists disagree with Rif, Ya'aqov ben Asher discusses the various views and usually decides in accordance with the view of his father (Elon, *Jewish Law*, vol. 2, 1058–1080).

42 Rabbi Shelomoh Yiẓhaqi was born in Troyes, northern France in 1040. He died in 1105 and was buried in Worms, southern Germany. Rashi was one of the most important Tosafists. His most important work was his commentary on the Bible and the Babylonian Talmud. His commentary became an integral part of the Talmud, thus granting Rashi tremendous influence on all subsequent halakhic and responsa literature (Elon, *Jewish Law*, vol. 2, 918, 1233; and M. Lifshitz, *Rashi* (in Hebrew) (Jerusalem: Mosad Ha-Rav Kook, 1966).

lish customs, and issue bans against anyone who violates their decree, regulation, or custom—against such persons who agree to the decree, regulation, or custom as well as against those who do not agree at all. And this applies to [decrees, regulations, and customs] concerning discretionary matters for the general welfare as well as to matters of heaven[43] for the purpose of erecting a fence for the Torah..[44] The rabbinic leaders of the city, however, even those who are the leading authorities of an entire kingdom or region,[45] do not have the power to issue a decree binding upon all residents of the city or pass any regulation at all except for those who agree to it. They have no means at all—be it fine or ban—to compel one who does not agree to their decree, regulation, or custom. This applies even if all the authorities of the city and all [Jewish] residents of the city are together in one agreement, and even if the authorities are the leaders of the city who attend to all the city's affairs. And all this is clear from our remarks thus far to anyone who studies them carefully.[46]

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43 Matters regulated by Jewish law.

44 Decrees, regulations, and customs aimed at preventing violations of Jewish law.

45 Those who are not considered authorities for the entire Jewish people in that generation.

46 It appears to me that in these remarks, Rabbi Eliyahu Mizrahi's enthusiam has carried him to an extreme position. Mizrahi begins by stating that every authority quoted, rules that one is not bound by a ban from which he excludes himself from the outset. He continues by arguing that the authority of the rabbinic leaders of the entire generation differs from the authority of local rabbinic leaders with regard to passing ordinances and compelling their observance. Further on, however, it seems from his explanation that the rabbinic leaders of a city cannot pass ordinances that bind the residents of their city unless those residents agree, even if the ordinance and the rabbinic authorities pass it unanimously. In other words, from the distinction between the authority of rabbinic leaders of the entire generation and the authority of local rabbinic leaders Mizrahi digresses to consider a different issue of law—the authority of local rabbis and leaders to pass ordinances that are binding upon the public even where part of the congregation, a minority, does not agree to accept them. According to Mizrahi's remarks, every halakhic authority quoted, rules that local rabbinic leaders do not have the authority to pass ordinances that are binding upon residents who do not agree to them. A study of the issue, however, shows this not to be the case. All the authorities mentioned, with the exception of Rabbenu Tam, rule that a local court and the leaders of a given locale—once their leadership is accepted—can pass ordinance and establish rules of behavior for their locale, and that this principle applies even when a minority objects to such ordinances. Maimonides' opinion to which Mizrahi alludes is drawn from the former's responsum (vol. 2, 329:596-99) which concerns "a ban which some of you passed against the local authorities" and is not directly connected to the issue of the authority of local rabbinic leaders. Rabbenu Tam was the only authority who disagreed with this and ruled that the majority does not have the power to force its opinion upon a minority that opposes it. According to Rabbenu Tam, only if the minority agrees—explicitly or implicitly—to accept an ordinance, is the majority permitted to use penalties and fines

Moreover, this ban was not passed with the agreement of the Leading Rabbi of the congregations, upon whose authority all regulations and customs of the city are issued, and who is their authority on all matters. On the contrary, he protested this ban and reprimanded them three times, one after the other, in order to deter them from carrying out their plan. He did, however, support a plan to issue a different ban against working as a domestic servant or maid for the Karaites, because such persons ultimately violate the dietary laws and God's holy festivals. This action, he said, was for the purpose of preventing violation of the law, and in such a case, every person has the power to pass a ban with no need for the advice of the Leading Rabbi or the majority of the community. This is because where desecration of God's name occurs, there is no requirement to honor the rabbis, and any person's ban is binding upon all Jews. Even a king is obliged to observe it.

Nevertheless, they did not wish to listen to him but rather threatened him with various threats to compel him to capitulate, for fire, anger, and wrath burned inside them, and they wished for their intention to be realized—be it by proper or improper means. Thus, it is certainly clear that the ban has no substance for those who did not agree to it, and the others have no power to pass any decree or regulation without the consent of the rabbi who leads them. For all must defer to him, according to the opinions of both earlier and later authorities.

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Furthermore, this ban was not issued by the majority of the city's residents or by all the city's leaders. For the intention of the assembly convened at the Zeitun congregation was the opposite of the intention of the assembly convened at the synagogue of the Poli congregation—

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to force observance upon an individual who, in spite of his original agreement, subsequently refuses to obey the ordinance. However, if an individual refuses from the outset to accept an ordinance upon himself, the majority does not have the power to compel him to observe it. Rabbenu Tam's opinion remained a minority opinion, and the majority of rabbinic authorities, including authorities mentioned by Mizraḥi in his responsum, did not agree with him on this matter. See Elon, *Jewish Law*, vol. 1, 580-84 and 587-91. Cf. Rashi *Responsa* (in Hebrew)(ed. I. S. Elfenbein) (New York: The Schlezinger Brothres Press, 1943), 70:81-88; *Sefer Ha-Mordekhai, Bava Qama*, 179; Asher ben Yeḥiel (Rosh), *Responsa* (in Hebrew) (ed. I. S. Yudelov) (Jerusalem: Or –ha-Mishpat Institute and Yerushalayim Institute, 1994), kelal 6, 5:32.

It is interesting that Elon also mentions the present responsum of Rabbi Eliyahu Mizraḥi as an important source in the history of the principle that the majority can force its opinion upon the minority. Elon does not seem to notice that Mizraḥi's purpose was in fact the opposite—to demonstrate that in discretionary matters, the majority *cannot* force its opinion upon a minority that opposes that opinion from the outset.

the latter being the assembly that issued the ban—and the former assembly was larger than the latter. The city's leaders and rabbis were divided between two camps. Thus, the ban is binding only upon those who accepted it and agreed to it. For those who did not agree to it, there is not even a hint of a ban.

We can make a logical deduction[47] from the Great Sanhedrin that presides in Jerusalem,[48] the central legal authority and official interpreter of the oral law, in whom our holy Torah invested [ultimate] authority, as is written, "...according to all that they shall teach thee...,[49] as Maimonides writes in *Hilkhot Mamrim* Chapter 1[50]. Nevertheless,[51] the Great Sanhedrin does not have the power to issue decrees or regulations or to establish customs unless the majority of the people are capable of observing its decrees and regulations. When the majority of the people do not desire those decrees and regulations, they are null and void. Thus, it is a certainty of certainties that [a ban issued by] the authorities of a city, who do not possess the authority of the Great Sanhedrin, where most of the city's residents do not agree, and the leading rabbinic authorities of the generation were not of one agreement—some agreed to the ban and some did not—and even those who agreed, had they known that the teachers were protesting would not have agreed to this ban at all: such a ban has no substance at all. For when they heard the teachers protesting, it was a thing hard as death in their eyes, but they could not repair what they had already done. Thus it is clear even to school children that according to both the earlier and later authorities, the ban is not binding upon those who did not agree to it all, and this does not require deep or even serious analysis.

Furthermore, this ban was not issued for the sake of heaven[52] or for the general welfare like a ban or *nidu'i* issued for the general welfare and to strengthen and reinforce our law. This ban was issued, rather, in

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47 *Qal va-homer* in the original.

48 The Great Sanhedrin is meant to preside in Jerusalem when the Jewish people is sovereign in its land.

49 Deut. 17:10-11: And thou shalt do according to the tenor of the sentence, which they shall declare unto thee from that place which the Lord shall choose; and thou shalt observe to do according to all that they shall teach thee. According to the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do; thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left.

50 The chapter to which Mizrahi refers is actually Chapter 2, *halakhah* 2.

51 In spite of their authority mandated by the Torah itself.

52 The motivation of those who issued the ban was not pure and selfless.

jealousy and hate harbored by some of them towards the teachers, owing to the honor they were shown by the Karaites, and in jealousy and hate for some of them for Karaites themselves who lend money at interest. This is always the case when people take interest; they are always hated by the rest of the world. They assembled in order to take revenge upon them,[53] and were it not for the their jealousy and anger, they would have awakened [and abandoned their plan]. Everyone knows of the quarrel and disagreement that broke out between the teachers and those assembled to pass the ban in the rabbi's house, until on impulse they arose and swore to issue the ban and immediately went and assembled the disreputable characters with clubs in their hands, readying them for the Sabbath morning at the entrance to the Poli synagogue, to beat and humiliate anyone wishing to prevent this ban. Thus being the case,[54] is there anyone on earth who can consider this ban to have any force at all? Even the Great Sanhedrin does not have such power, as Maimonides has written in the twenty-fourth chapter of *Hilkhot Sanhedrin*,[55] as we find in the Jerusalem Talmud[56] and cited in *Yoreh De'ah*:[57]

When a scholar imposes a ban for his own need, even if he imposes it properly, his ban is no ban.

Concerning this regulation, RabYaH[58] explains that it refers to imposition of a ban in order to profit from it, that is to say for the scholar's own benefit and not for the sake of heaven. And the respondent deduced from this: what difference is there between monetary benefit and revenge? Revenge too is personal benefit, as it brings satisfaction to the evil inclination. And we may argue a *fortiori* that if where a person is obliged to be under ban, but the ban was imposed not for the sake of heaven but rather for some personal benefit, the ban is not a ban—certainly where there is no obligation for any punishment, such as in our case, where their wish is merely to excommunicate anyone who

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53 I.e., to take revenge upon the Karaites.

54 That the ban was motivated purely by hate and jealousy.

55 The closest approximation to this in *Hilkhot Sanhedrin* is Chapter 24, *halakhah* 10, which limits the authority granted to a judge to curse, excommunicate, to beat, to imprison, etc., when such measures are required by the emergency of the hour. Maimonides rules that a judge is permitted to employ all the measures mentioned, provided that all his judicial acts are for the sake of heaven.

56 Jerusalem Talmud, *Mo'ed Qatan* 3:1, folio 81d.

57 Ya'aqov ben Asher, *Arba'ah Turim, Yoreh De'ah*. 334.

58 *Sefer Rabyah* (in Hebrew) (ed. A. Aptowitzer), pt. 2, vol. 3 (Jerusalem: Harry Fischel Institute, 1964), 526-27.

violates their decree, if the ban was not issued for the sake of heaven, be it to subjugate their enemies, be it to take revenge against them, and so forth: certainly this ban or excommunication has no substance at all according to all opinions, according to the earlier as well as the later authorities.

Furthermore, everyone violates this ban, even those who agreed to it. For everyone queries the Karaites, and everyone answers them concerning every commandment over which there is any disagreement with them. And we have not heard of any resident of the city refraining from answering a Karaite or from explaining to him anything he needs to know. Moreover, even regarding fixed, regular instruction, the main imposers of the ban have themselves already violated it—the very persons who held the Torah scrolls in their hands have violated the ban. And since the majority are incapable of upholding this ban, it is a certainty of certainties that here, where not one of them observes it, the decree and ban clearly have no substance whatsoever, and it is proper to compel them to lift it, so that people will not constantly be in violation—as I have explained with sufficient proof. And this ruling is in accord with the opinions of the earlier and later authorities.

Furthermore, several authorities, refugees of the Spanish expulsion, may God protect and redeem them, who came after the ban had been declared, teach the Karaites publicly, for they knew that the city's residents were not permitted to pass a decree binding even upon the residents who protested, and certainly not upon newcomers to the city. And they are a significant majority, and no one protests. Thus, the decree has been completely nullified, for it did not take root, and in such a case, all admit that this ban is not binding at all.

Their decree, then, is null and void, for they are certainly no greater than Daniel, may he rest in peace, or than Hillel and Shamai, may they rest in peace, who decreed concerning oil, and when Rabbi Yehudah HaNasi investigated and found that the decree had not taken root, he arose, along with the members of his court, and canceled the decree.[59] In actuality they did not cancel it, as it was already null and void on its own; rather they publicized its nullification. So it appears to me in my humble opinion, Eliya Mizraḥi.

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59 *'Avodah Zarah*, 38b.

D. Marranos Who Returned to Judaism

Document 13: Mizraḥi, *Responsa*, 21:59

Concerning a woman who converted to Christianity together with her husband and whose husband married another woman without divorcing his wife:

You also asked concerning the woman who converted to Christianity together with her husband. Her husband then moved to another place and married another woman. Upon hearing this, the first wife went there and sued her husband in a non-Jewish court, according to whose laws a man may not be married to two women at one time. The husband claimed that his first wife was in fact his sister-in-law, and that he was permitted to marry her when he was Jewish, but once he was no longer Jewish, and she was prohibited to him according to the law of the non-Jews, his recent marriage to another woman [so he claimed] was legal.

The Gentiles found in his favor, and when his first wife saw this, she too married—according to the laws of the Gentiles—another Jewish man who had converted to Christianity.

After her second husband died, she repented [and returned to Judaism], and when she was asked her concerning her first husband, she said, "I heard that he died." Subsequently, one Jewish witness came forth and testified that her husband had been killed in such-and-such a country, and he said that this woman had caused his death by virtue of the conflict between them. To this she replied, "It is true that there were many quarrels between us, but I did not cause his death, though everyone believes that because of the quarrels between us, I caused him to be killed."

And you have requested me to inform you whether, in my opinion, the woman and the witness are to be believed, or whether the woman is not to be believed, owing to the quarrel with her first husband.

...

Response: It appears to me that there is no need to waste words, for it is clear that they are believed.

Document 14: Mizraḥi, *Responsa*, 88:277

[Concerning one who was an idolator in his childhood and repented—whether it is proper for him to be appointed cantor]

Concerning what you asked regarding one who worshipped idolatry in his childhood and repented of this completely, and whose repentance was for the sake of heaven[1]—whether it is proper or not for him to be appointed cantor and discharge the worshippers of their obligations in prayer, I will respond with what is in my heart (in my humble opinion), according what I have been instructed from heaven.[2]

It seems to me, in my humble opinion, that it is a simple matter, and there is no great need for deep analysis. Since he is a penitent, it is clear that he may serve as cantor to discharge the worshippers of their obligations in prayer, for where penitents stand, even the totally righteous cannot stand, as is written: "Peace, peace, to him that is far off and to him that is near...."[3] The order of this verse gives precedence to "him that is far off."

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1 Literally, "...his deeds were for the sake of heaven," i.e., that he had no ulterior motives.

2 This does not mean that the respondent claims to have the gift of prophecy, but rather that he arrived at his opinion with God's help.

3 Isaiah 57:19.

E. Family

Document 15: Mizraḥi, *Responsa* 18:49–52

[A Responsum of Rabbi Avraham Ibn Ya'ish[1] Concerning Betrothal Gifts[2]]

A query regarding an incident that occurred to Re'uven and sent to me for the second time. He lived in Salonika and arranged for his daughter to marry Shim'on[3] who lived in Qostandinah. Now in order to dispose of any possible disagreement between them, the two sides agreed to appoint two arbitrators to decide upon a time for the marriage, the amount of the dowry to be contributed by the father to his daughter, and the amount of the supplementary sum[4] to be written by the groom into the marriage contract. Both sides agreed to accept whatever these arbitrators would decree for them.

With this the engagement agreement was completed, but the two sides did not want to perform the betrothal until the aforementioned arbitrators could decide upon the terms mentioned. The groom-to-be[5] sent betrothal gifts to his fiancée as is the custom, and in the city of Salonika, such gifts are not considered as signifying betrothal.

Subsequently, it developed that Re'uven, father of the bride-to-be, came to live with his daughter in Qostandinah, and after their arrival, the mother of the groom-to-be came to visit the bride-to-be and gave her a golden comb, and there were no witnesses present. [On another occasion,] the groom-to-be sent shoes and various sweets to the home of his future father-in-law with a nine-year-old boy. The groom-to-be

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1 See p. 259, ref. 110 above.

2 Throughout this responsum and the next (which refers to the same case), "betrothal gifts" translates the Hebrew *sivlonot* and "betrothal" translates the Hebrew *kiddushin*. The two responsa concern whether on the basis of betrothal gifts sent by a particular young man to his fiancée, she is considered betrothed. If she is betrothed, she requires a divorce before she can marry another.

3 The names Re'uven and Shim'on are apparently fictitious.

4 In Hebrew, *tosefet*—the sum added by the groom to the mandatory sum (200 *dinars* for a virgin, 100 *dinars* for a widow) legislated by the rabbis to be paid by a man or his estate to his wife upon dissolution of the marriage by divorce or the husband's demise. For most intents and purpose, the mandatory sum and the *tosefet* have the same legal status (see Maimonides, *Hilkhot Ishut* 10:7).

5 The young man's status was that of *meshadekh*—one who seeks to become engaged to a particular woman whose agreement to become engaged to him is not yet certain. The responsum refers to the young man both as *meshadek* and as *ḥatan*—groom. Both terms are translated here as *groom-to-be*.

did not say to whom to give them, and the boy gave them to the girl's mother.

Afterward, a quarrel developed between them, and the arbitrators they had chosen did not wish to set the terms, as they saw that the match was not going well, and the two sides went their separate ways. The groom-to-be raises no objection concerning the gifts to say that he sent them for the purpose of betrothal. Nevertheless, certain persons are uncertain whether the betrothal gifts he gave in Salonika indicated a betrothal, since the groom-to-be was from Qostandinah, where such gifts are considered to signify betrothal. And if one holds that they do not, perhaps we must suspect the comb which the mother of the groom-to-be gave to his fiancée, and the shoes and sweets he sent to the home of his father-in-law after the family moved to Qostandinah, since in Qostandinah it was customary to consider such gifts as signifying betrothal.

Now the young woman claims that he did not send the shoes and sweets to her, and her father and mother also declare that they were not for the young lady but for her mother, as she had sent the groom-to-be a gift previously. In support of this claim, they note that the shoes are much too large for such a small girl and that the boy who brought them gave them only to the mother. In spite of all this, they were uncertain whether one must perhaps consider them as signifying betrothal, since the groom-to-be says he sent them to his fiancée. What is the law?

This was my answer: It is logical that there is no suspicion at all of betrothal, for what indication is there? If it be argued that one must suspect betrothal on the basis of the betrothal gifts given in Salonika, it is clear that there, such gifts do not signify betrothal. And even though the groom-to-be was from Qostandinah, which is a place where such gifts *do* signify betrothal, the legal import of betrothal gifts is determined by the place where the gifts are given, as whoever marries a woman does so according to the custom of the place where he marries her.

The Talmud as well relates betrothal gifts to the custom of the place where they are given whether it be the place where betrothal is performed first and the gifts are given afterward, or visa versa.[6] Since it is clear to us that Salonika is a place where everyone sends betrothal gifts *before* the betrothal, we have no reason to suspect that he perhaps deviated from the local custom. The burden of proof is upon whoever

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[6] *Qidushin*, 50b.

claims that the groom-to-be deviated from the local custom.... And this applies with even greater force in the present case, since the two sides had agreed that there would be no betrothal until the arbitrators would set all the terms of the marriage. The arbitrators declare that since they had not yet reached an agreement, there is no reason to suspect that these betrothal gifts signify betrothal.

And if [it will be claimed that] we must suspect the comb, shoes and delicacies that were given in Qostandinah, here too, I see no indication of betrothal, since they had not agreed upon the conditions of the marriage agreement, and the marriage agreement was not to be finalized until the arbitrators would set the conditions. Thus, it was as though there was no engagement at all yet, since term *engagement*[7] refers to the calm and the agreement between the sides, as in Judges 3:11,[8] "And the land was calm for forty years," where the Hebrew word "calm" is translated by the Aramaic root *sh-d-kh*—the same root as the Hebrew for *engage*. And if the engagement was not yet concluded, there is no suspicion of betrothal gifts, since all authorities agree that gifts do not signify betrothal unless there is an engagement.

...

The gifts given by the relatives to each other are not decisive proof of the marriage agreement, since they send them for honor in love and affection and also because they exchange gifts back and forth, which is not true of betrothal gifts, which are given only by the groom to his fiancée. Thus it appears, in my humble opinion, that there is no proof of betrothal, that the comb was not given from the groom to his fiancée but that his mother gave it to her, and the shoes and sweets were not given to the young lady but rather to her mother, and these, therefore, are not called betrothal gifts.

If you will argue that perhaps the groom's mother gave the comb as her son's agent, and thus it is like a betrothal gift sent from a groom to his fiancée, we can answer that we need not suspect this as long as we do not know it for certain. Otherwise, you leave our father Abraham without a single daughter who is not doubtfully betrothed—for concerning every woman who ever agreed to marry who then received a gift from any person, we must suspect that it was given to her by an agent of her groom-to-be. And this is absurd.

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7 *Shidukh* in the original.

8 Targum Onkelos, ad loc.

But, where we have significant proof and clear indication of intention, as we have here concerning this groom-to-be, that he did not intend his gifts as betrothal gifts, it is clear and obvious that they[9] were not strict in such a case. It therefore appears to me, in my humble opinion, that even if this groom had sent complete betrothal gifts in Qostandinah, they would not signify betrothal, and this applies with even greater force as I have written, for these are not betrothal gifts. Therefore, it appears to me that this woman is permitted,[10] and that there is no suspicion concerning her at all. This is my opinion, the young Avraham Ibn Ya'ish.

9 I.e., the Sages, the law makers.

10 She is permitted to marry without having to receive a bill of divorce from her former fiancé.

Document 16: Mizraḥi, *Responsa*, 19:52–53

These are the arguments of the Leading Rabbi[1], our teacher Rabbi Eliya Mizraḥi, may God bless and protect him:

Concerning an incident involving betrothal gifts that occurred in Salonika. Included in the query are the arguments that Rabbi Eliya Mizraḥi brought against those of our teacher Rabbi [Avraham] Ibn Ya'ish concerning betrothal gifts.

He writes, "the legal import of betrothal gifts is determined by the place where the gifts are given, etc." This is not so. On the contrary, the legal import of betrothal gifts is determined by the place of the sender, for the test of betrothal gifts, whether they are themselves for the purpose of effecting betrothal or indicative of a previous betrothal, is what we infer to be the intention of the sender that—whether he sent them to effect betrothal or after betrothal. It is the custom where the sender resides to first betroth and then to give betrothal gifts, and in general persons act in accordance with the customs of their own place. Thus, although in the place where the woman resides the custom is to give betrothal gifts first and only *afterward* to perform the act of betrothal, the sender is careful to comport himself in accord with the custom of his *own* place of residence. Why should he be pay heed to woman's custom? Is there among the customs of the [this] woman's place any strict prohibition that would cause the sender to be scrupulous to comport himself according to the customs of that place? This entire area [of law] is determined only by custom; thus, it is presumed that as long as a person resides in a given place, he does not abandon the custom of that place to take up the custom of the woman's place.

...

He also writes that whether betrothal gifts are considered to signify betrothal depends upon the custom of the place where the gifts are given, etc., and I do not know how he arrives at this conclusion. The legal formulation, "in a place where they betroth and later send betrothal gifts,"[2] can be just as easily interpreted to refer to the place of the man as to the place of the woman.

He also writes that "this applies with even greater force in the present case, since the two sides had agreed that there would be no betrothal until the arbitrators would set all the terms of the marriage, and the arbitrators declare that they had not yet set forth the terms of the

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[2] *Qidushin*, 50b.

marriage agreement." Apparently he abandons the logic of the betrothal gifts, which in any case prove either that they are for the purpose of effecting betrothal or that betrothal preceded them, and now argues from the agreement not to perform the betrothal until the arbitrators decide [on terms]. However, the logic of the betrothal gifts constitutes decisive proof [that there was indeed an act of betrothal], and their agreement not to perform the betrothal is irrelevant. Since, the two sides had already accepted upon themselves to fulfill whatever the arbitrators would decide, what difference did it make to them whether the betrothal was performed before or after the decision of the arbitrators? It made no difference at all.

He also writes that since they were not yet agreed to the terms of the match, and the match was not final until such time as the arbitrators should rule, it was as though there was no match at all. However, the argument of the betrothal gifts is based upon the existence of an engagement with her and her agreement to be his wife. Thus being the case, and since he had already made a engagement with her and she agreed to be his wife, there is no doubt in this matter even with regard to the sum of the dowry and the sum of the amount he would add to the marriage contract. They had already accepted upon themselves to accept whatever the arbitrators would decree. Hence it is certain that the betrothal gifts he sent her after the engagement were either for the purpose of effecting betrothal or were preceded by betrothal. Since she already agreed to him, it may be presumed that the gifts were sent as betrothal gifts, and since betrothal gifts signify betrothal, it makes no difference to us whether they were for the purpose of betrothal or preceded by betrothal.

...

He also writes that since the comb, shoes, and sweets were all given without witnesses and by means of a woman and a minor, they do not signify betrothal, [and would not signify betrothal] even if the young man himself had sent them. [To this assertion one can only wonder,] is not a woman as qualified as a man to be an agent? He also writes that this applies with even greater force here, where the young man did not give the comb but rather his mother gave it to the engaged girl, and the shoes and the sweets were given *to her mother*—that there is no room to suspect that they perhaps signify betrothal, "and the matter does not require deep analysis." On the contrary, this requires very thorough analysis: As to the comb, consider that perhaps her son gave it to her to give to his fiancée or his mother gave it to his fiancée in place of her

son, that she acquired it on the fiancée's behalf. In the case of most betrothal gifts that parents send to the fiancées of their sons, the parents have intent to transfer ownership of the gifts to their sons before the gifts are given, and it is as though the sons themselves had sent them to their fiancées.

He also writes that otherwise, you leave our father Abraham without a single daughter who is not doubtfully married[3]—for concerning every woman who ever agreed to marry who then received a gift from any person, we must suspect [that the gift was given by an agent of her fiancée]. On the contrary, if we do not suspect that that which a mother brings to her son's fiancée signifies betrothal, you leave no daughter of our father Abraham concerning whom we are uncertain whether betrothal gifts signify that she is betrothed.[4] For behold, we see with our own eyes that most betrothal gifts are sent for a groom-to-be to his fiancée in modesty and discretion and not in a prideful manner[5]. The custom is always for the mother to bring the betrothal gifts to her son's fiancée instead of having other people, strangers, bring them with great fanfare and pride.

He also writes that *even* concerning the father of the groom-to-be, it is proven in the Talmud that we do not suspect that his son has perhaps appointed him an agent—that a person would not have the audacity to appoint his own father as his agent.[6] This formulation, however, is not accurate. From the word "even" it appears that this principle applies with even greater force to the young man's mother. But this is not the case, for it is with regard to the father only that we hold that a person will not have the audacity, etc. With regard to his mother, however, a person certainly *will* have the audacity. A son is attached to his mother and is accustomed to doing such things, as the Sages have said in *Torat Kohanim*, regarding Leviticus 19:3, "Ye shall fear every man his mother, and his father...": the verse places the mother before the father, as it is known to Him that a son fears his father more than his mother, whereas concerning honor, the Bible places the father before the mother

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[3] In the original, *safeq megoreshet*—doubtfully divorced. Mizrahi is referring to the passage in the previous responsum, "Otherwise, you leave our father Abraham without a single daughter who is not doubtfully betrothed."

[4] Since it is an established legal principle that uncertainties of this type do exist, we must conclude that gifts of this type do result in exactly such an uncertainty.

[5] That is to say that they are not sent openly by the groom-to-be directly to his fiancée or by way of strangers but rather by way of his most intimate relatives.

[6] *Qidushin*, 45b.

because a son honors his mother more than his father, because the mother apeases him with words. And this we see with our own eyes in our own time, that concerning their fiancées, sons are more likely to confide in their mothers and than in their fathers, and whatever they wish to send secretly to their fiancées, they send with their mothers. Who can disagree with what we *observe* to be true?!

...

He also writes that we know for a fact that the gifts were not preceded by betrothal. Concerning this argument, I have already written that it is not so, and thus, his entire structure is built on nothing.

[Signed] the harried and miserable Eliya Mizraḥi.

Document 17: Ibn Yaḥya, *Responsa, Tumat Yesharim*, 128:60a

[An elderly woman quarrels with her sons.]

To the holy community of Qostandinah—you ask me concerning a distinguished elderly woman, who has two married sons, who are themselves fathers of sons and daughters. Her husband passed away some fifteen years ago, leaving after him houses worth nearly a thousand ducats, and the woman and her sons dwell in these houses to this day. Now, for some reason, the woman has come to the congregation and demanded payment of her *ketubah.*[1] The congregation chose two distinguished persons to adjudicate the matter, and she agreed to be judged by them. They received a *kinyan*[2] from her, and they hired the honorable Rabbi Eliyahu Galmidi, may God protect and redeem him as an attorney to represent her. And he claimed in her name twenty-five thousand *levanim*[3], and she produced her *ketubah.* Her sons claimed that that this was not her *ketubah*[4] and that her real *ketubah* was worth only five thousand *levanim.*

The judges discussed the matter and ruled that the existing document was indeed her *ketubah.* As to collection, however, one judge declares that the house will remain in her possession and that her sons will support her, for we understand that she is very old and does not have the strength to conduct business with the monies she would realize from payment of her *ketubah.* The second judge declares that, as of yet, there has been no ruling concerning collection.

At this time, the brothers also argued over disposition of the houses and how they will resolve this matter between themselves, since the woman was aroused to reprimand them.

The community, seeing the mother's refusal to [to settle with] her sons and the quarrel between the sons, agreed that the two judges whom they had chosen to supervise the woman's suit, adjudicate the matter of the brothers as well. And they[5] involved the *ḥakham,* our honorable teacher, Rabbi Eliyahu Leko, may God protect and redeem him in this matter. He spoke with the woman, and she agreed to be judged before him.

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[1] *Ketubah*, a marriage contract that provides a sum of money to be paid to the wife upon dissolution of the marriage by divorce or death of the husband. By rabbinic ordinance, the *ketubah* is a mandatory aspect of Jewish matrimony.

[2] I.e., she performed a symbolic act in which she formally undertook to abide by their decision.

[3] See doc. 1, ref. 3 above.

[4] That it was a forgery.

[5] I.e., the judges.

The three [judges] issued a ruling concerning all the disagreements: those between the woman and her sons as well as those between the sons themselves. And they wrote and signed the ruling and delivered it to the parties. Among their rulings, they decided that the houses remain in the woman's possession to secure her *ketubah*, and that the sons pay her a fixed annual sum in rent for the houses.

Now the woman disputes this ruling, declaring that she appointed judges only to ascertain whether her *ketubah* was indeed twenty-five thousand *levanim*, as she claimed, or five thousand *levanim* as her sons claimed. She also claims that she gave a *kinyan* only to the first two [judges], that when the aforementioned judge joined them, she made no *kinyan*, and that the first two judges themselves did not issue this ruling. She further claims that she made no *kinyan* with the first two.

Document 18: Ẓonẓin, *Responsa, Naḥalah Li-Yhoshu'a*, 11:11a

[Does a female slave who has converted to Judaism and has married a mamzer[1] *release her offspring from their status?]*

Le'ah, a widow, purchased a six-year-old female slave and reared her in her home. When the girl reached the age of nine, she went with her mistress's daughter to the *mikveh*[2] and persuaded her mistress's daughter to allow her to immerse herself before her mistress's daughter and other Jewish women. From that time forth, she has conducted her herself as a Jewess. May our teacher instruct us whether her marriage to a *mamzer*[3] would release the *mamzer*'s potential offspring from their status as *mamzerim*.

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[1] A *mamzer* (plural: *mamzerim*) is a child of an adulterous relationship or of a forbidden marriage. Whoever is born of relationship whose punishment is *karet* (lit. cutting. I.e., cutting the sinners name from the Jewish people) (*Lev.* 18; *Num.* 23:3; *Yevamot* 49a; 78b). A *mamzer* may marry only another *mamzer* or a proselyte. The child of two *mamzerim* also has the status of *mamzer*, and this applies for ten generations. The child of a *mamzer* and a proselyte, however, is not a *mamzer*. Thus, by marrying a *mamzer*, a proselyte releases the *mamzer*'s potential offspring from their status.

[2] *Mikveh*, ritual bath. Immersion in a ritual bath is part of the process of conversion to Judaism.

[3] If the girl is a bonified convert, she may marry any Jew who is not a member of a priestly family. If she is permitted to a *mamzer*, she may provide someone who otherwise could not with an opportunity to marry and release his potential offspring from their status as *mamzerim*.

F. Economic Life

Document 19: Mizraḥi, *Responsa*, 85:270

Concerning Jews who enter into partnership with Turks and say to them, "You will receive the earnings of the Sabbath, and I will receive the earnings of the weekdays":

Holy congregations, may God protect them. Until now, your reputation was great and worthy, but now I am astonished at the rumor I hear circulating among our people,[1] to the effect that unqualified persons have arisen to rule that store owners can say to a non-Jew: Sit in my store on the Sabbath, and I will sit in it during the week, and the earnings of the Sabbath will be yours, and the earnings of the weekdays will be mine.

When I heard this, I was extremely frightened; trembling seized me, pain as a woman in labor, for I thought: While I live, such a thing is done in Israel?![2] To rely on such an opinion to permit violation of the Sabbath—violation which is equivalent to the worship of idols! For all the sins that one commits, he is yet called Yisrael,[3] though wicked, whereas for violation of the Sabbath, he is no longer called Yisrael, but rather considered a non-Jew, literally, in all respects. [If this be the situation while I live,] what will they do after we die?! Who has heard such a thing, and who has seen such things? That persons who have not seen the light of Torah should arise to issue erroneous rulings according to their own opinions, rulings that contradict the law! And all the people weep family by family,[4] saying woe to the eyes that see and the ears that hear such reports!

And the "sages" among them rely upon themselves, issuing rulings according to what seems correct in their eyes. They do not trouble themselves to approach the [true] sages among them, those who have spent all their days in the study of Torah and thus to inquire of the Torah. They rely upon themselves, rather, and do not think to inquire of one who grew in Torah study all his days. [If this is how people behave today,] what will be after them?!

And behold, the claim of the authorities[5] who issued this ruling is a well known error, concerning which, for several reasons, there is no

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1 In the original, "the people of God."

2 I.e., among Jews.

3 I.e., he is still considered Jewish.

4 The expression, "family by family" is based on Num. 11:10.

5 *Morim* in the original, a pun on Num. 20:10, "*Shim'u na ha-morim*." *Morim* can mean "legal authorities" as well as "rebels."

room for uncertainty. One, that they think that if a Jew stipulated from the beginning with a non-Jew, "You take the earnings of the Sabbath, and I the earnings of the weekdays," this is permitted. But, this is not so, because the stipulation that the Jew makes with the non-Jew is not effective unless the store did not belong to the Jew from the beginning and they purchased it together—that the Jew had no part in the store until the partnership was formed.

As the *Tosafot* have written in the name of Rabbenu Elḥanan: even if they stipulated from the beginning, this is not effective if the store belongs to the Jew from the beginning. For he is as one who rents his store out on the Sabbath and says to a non-Jew, you take the earnings of my store on the Sabbath, and this is not comparable to a Jew and non-Jew who acquire a field in partnership, where the non-Jew owns a portion of the field. Here the name of the Jew applies to the entire store from the beginning.

Moreover, even if the Jew had no store previously, and the Jew and the non-Jew purchased the store together—even here, where the name of the Jew does not apply to the store, it is prohibited to say to the non-Jew at the beginning, take your portion, etc. Only if they stipulated from the beginning before they acquired it, that the Jew has no part [in the Sabbath earnings, is such an arrangement permitted].

The *Tosafot* discuss both these points and explain them clearly at the end of the first chapter of the tractate *'Avodah Zarah*.[6] The same point is discussed by *Sefer Miẓvot Gadol (SeMaG)*[7]—that if they stipulated from the beginning before they purchased the field or bath house or store, while the Jew still had no part in them on the Sabbath, [the arrangement is permitted].[8] So has the *Hagahot Maimoniyot* on Maimonides written that the rule, "If they stipulated from the beginning it is permitted," applies only when they stipulated *in advance*, before they purchased the field or bath house or store, that the Jew had no part in them until after he purchased it with the non-Jew. If the Jew purchased the field or bath house or store in his own name, however, and afterward took on a non-Jewish partner, he cannot stipulate that the non-Jew take the earnings of the Sabbath and the Jew the earnings of the week-

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6 P. 22b.

7 *Sefer Miẓvot Gadol (The Great Book of Commandments)* was written by Rabbi Mosheh of Coucy, France, a Tosafist who flourished in the first half of the thirteenth century. Rabbi Mosheh of Coucy participated in a famous dispute with the apostate, Nicolaus Donin (Elon, *Jewish Law*, 2, 1044–1046).

8 *Sefer Miẓvot Gadol* (Kapust [Kopysz], 1807), *Hilkhot Shabat*, 11b.

days.[9] This applies with even greater force to dividing the earnings of the Sabbath, and even more so in our time when, in our sinfulness, the Torah and fear of heaven are diminished from Israel, and when the people will find the most restricted authorization and add to it from their own hearts more and more. And this will become the pretext for completely abrogating the Sabbath in our times. It is a result of adding one thing to another and each person's finding his own authorization for himself according to his own opinion, and the Sabbath will be completely destroyed!

...For this it is proper for every rabbinic authority and enlightened person to reprove the members of his generation, and whoever is strict in this will be blessed.

So says the miserable and harried Eliah son of Rabbi Avraham Mizraḥi, may he be remembered for the world to come.

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9 *Hagahot Maymoniot* on *Hilkhot Shabat*, 6:17.

Document 20: Ibn Yaḥya, *Responsa, Tumat Yesharim*, 207:102b–103a

[Concerning Jews who farmed the right to collect the king's customs and failed in their enterprise.]

May the rabbi instruct us:

Four partners farmed the right to collect the king's customs (may his splendor be exalted) and were required to deposit, by way of an intermediary, 115 thousand *levanim*[1] with the minister responsible for customs. The intermediary received each partner's share of the sum, as mentioned, and after he received the funds, all went together to give them to the aforementioned minister.

They all went to the home of the minister, and while they were waiting for him to accept the funds, the intermediary told them that the minister requests that all leave and that only one remain to give him the funds in the presence of the intermediary. The remaining partner and the intermediary then gave the money to the minister.

Subsequently, the partners came to receive their money from the minister, and all of them came together to receive the money, this was in the morning, and the partner [who had remained the first time] went in with the agent. When they came out, the partner said that the minister did not intend to give the money until the next day. That evening the partner went together with the intermediary and received a thousand *peraḥim*[2] from the minister, and the remainder of what they were owed remained in the hands of the minister. And some of the partners had said to the aforementioned partner, "Summon us when you go to receive the money," and he did not but rather went alone in the evening.

Now the partner who received the money declares that he has a long standing claim against one of the partners, that he seized the money for this reason, and it is his intention that the other prove that the money is owed to him.[3] The defendant[4] claims that it is not proper for the partner to seize the earnings of the partnership, for it is established practice that partners do not have *ḥazaqah* on each other's assets.[5]

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1 *Levanim*—literally, whites—refers to *akçe*, a silver coin of small denomination, the main currency in the Ottoman Empire.

2 *Perahim*, literally flowers, refers to coins, golden ducats.

3 According to the talmudic principle, *ha-moẓi me-havero 'alav ha-re'ayah*—one who wishes to wrest property (be it land or chattels) from one who possesses it is obliged to demonstrate his legal right to the property. See *Bava Meẓi'aa*, 2b.

4 I.e., the partner alleged to owe money to the partner who received the payment.

5 The partner alleged to owe money to the partner who received payment uses the conclusion of the talmudic debate concerning whether a partner demonstrates indicia of

May the rabbi further instruct us whether the defendant can ask another one of the partners to take the entire portion he is owed from those 115 thousand *levanim* from the thousand *peraḥim* and let the defendant take his whole part from what remains in the hands of the minister. These two partners agreed to this; thus, it emerges that the defendant has nothing to do with the claimant concerning those thousand *peraḥim*, as the defendant will collect his share from the minister.

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ownership by practicing possession of his partner's property during the period of the partnership (*Bava Batra 82b*). The partner alleged to owe money wishes to argue from the Talmud's conclusion that possession in the case of partnership does not confer indicia of ownership, that partners cannot raise previous debts against the earnings of a partnership.

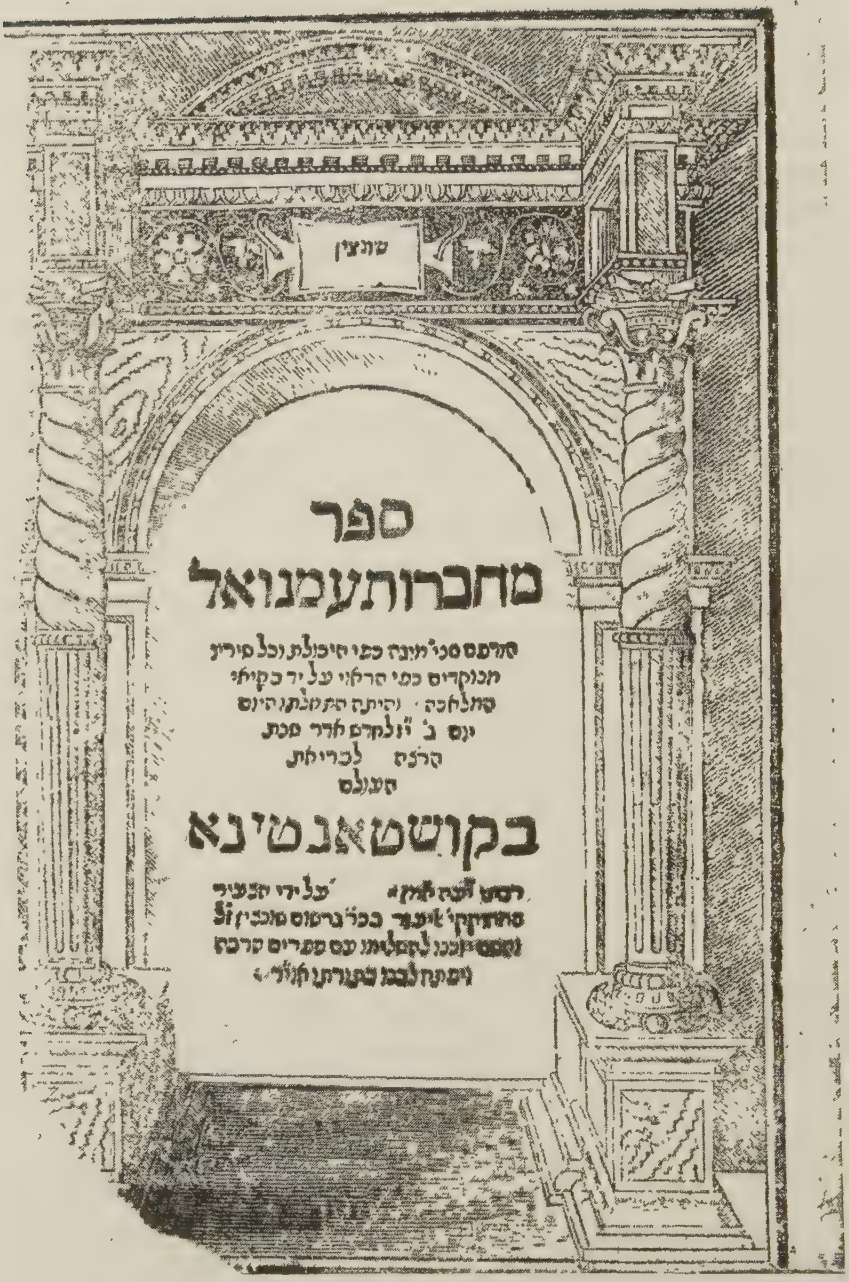

Fig. 17. Title page: *Maḥbarot 'Imanuel* by 'Imanuel HaRomi. Istanbul: Soncino, 1535. (Mehlman Library, Diaspora Research Institute, Tel Aviv University).

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Abbreviations

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EI²	Encyclopedia of Islam, 2nd ed., Leiden: Brill, 1985–.
EJ	Encyclopedia Judaica, Jerusalem: Keter Publishing House, 1972–1982.
IJMES	International Journal of Middle East Studies, Cambridge, 1970–
JQR	Jewish Quarterly Review, Philadephia, 1910–
MES	Middle Eastern Studies, London, 1964–
MGWJ	Monatsschrift fuer Geschichte und Wissenschaft des Judentums, Berlin, 1851–1939
REJ	Revue des études juives, Paris, 1880–

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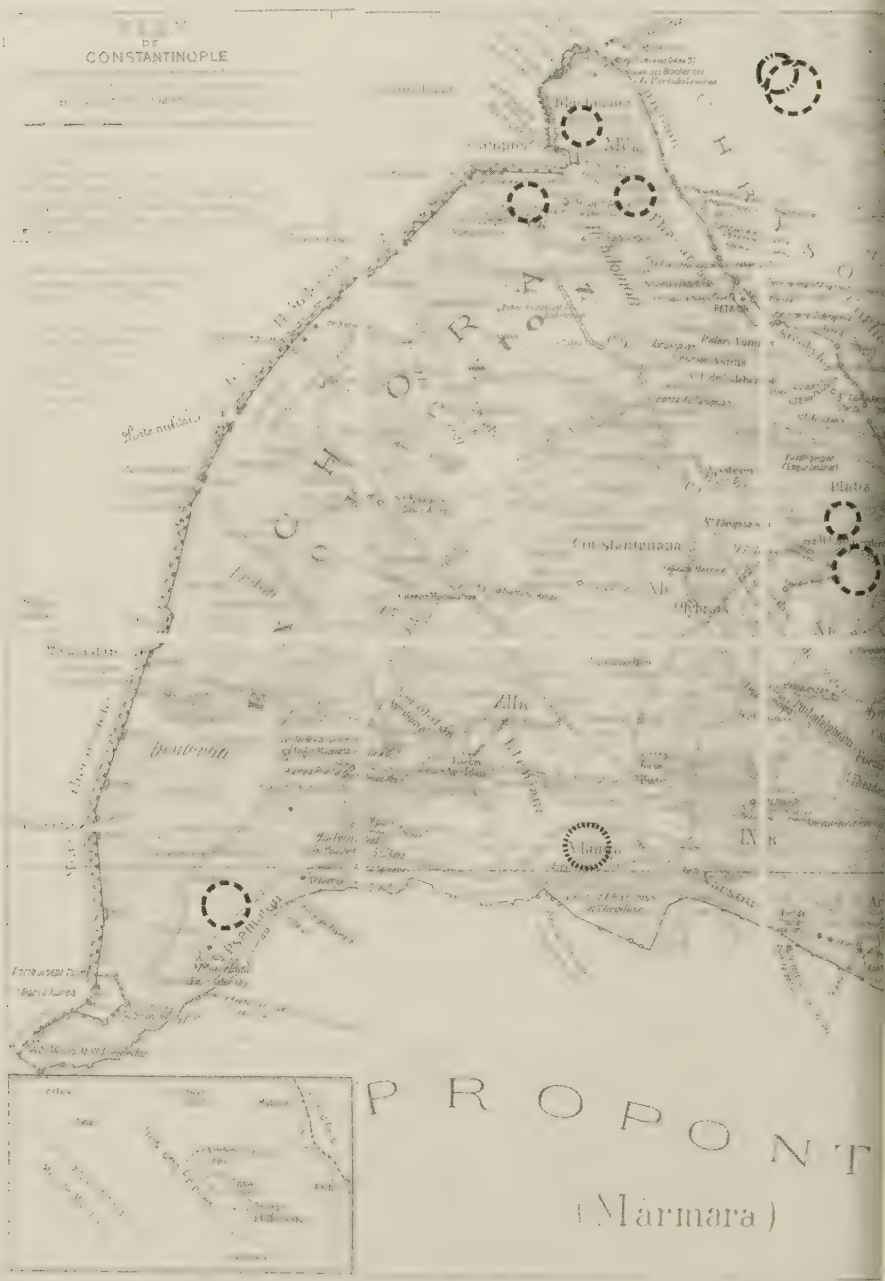
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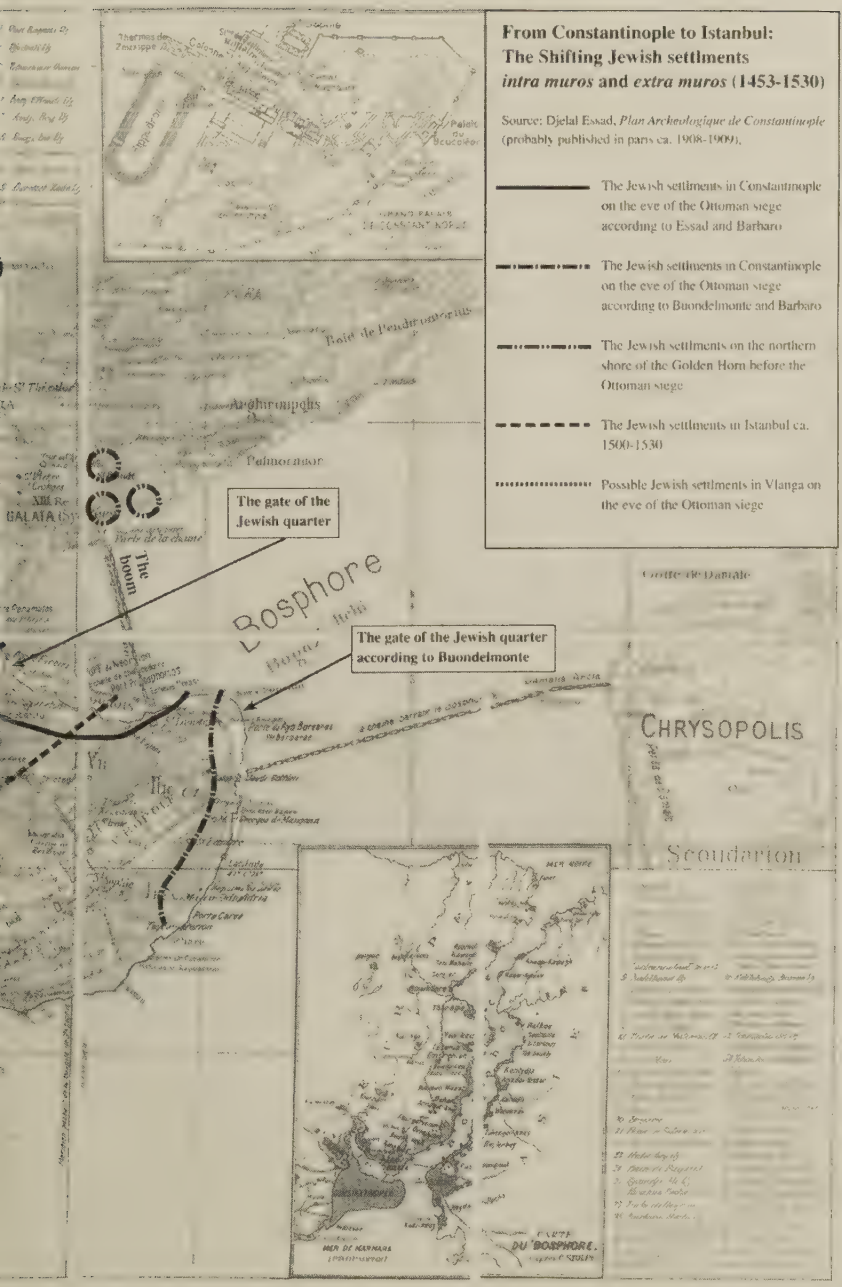

From Constantinople to Istanbul: The Shifting Jewish settlments *intra muros* and *extra muros* (1453-1530)

Source: Djelal Essad, *Plan Archeologique de Constantinople* (probably published in paris ca. 1908-1909).

- The Jewish settlments in Constantinople on the eve of the Ottoman siege according to Essad and Barbaro
- The Jewish settlments in Constantinople on the eve of the Ottoman siege according to Buondelmonte and Barbaro
- The Jewish settlments on the northern shore of the Golden Horn before the Ottoman siege
- The Jewish settlments in Istanbul ca. 1500-1530
- Possable Jewish settlments in Vlanga on the eve of the Ottoman siege

ADDENDA AND CORRIGENDA

Addenda

Since the book first came out, three relevant publications have appeared. The first is a paper published while the book was already in print written by the late S. Yerasimos, "La fondation d'Istanbul ottomane," in *Seven Centuries of Ottoman Architecture*, edited by Nur Akın, Afife Batur, and Selçuk Batur (Istanbul: Yapı Endüstri Merkezi Yayınları, 2001) 195-212. The second is a review of the present book, also by S. Yerasimos (*Turcica* 35 (2003): 341-346), and the third is a Masters thesis submitted to Sabanci University, Istanbul in 2003 by Akyalçın Dilek, also supervised by S. Yerasimos (digital.sabanciuniv.edu/tezler/tezler/ssbf/master/akyalcind/ana.pdf). Below, I shall discuss issues raised by Dilek Akyalçın and Yerasimos as they relate to my book. Wherever the word *chapter* appears in italics, it refers to a chapter of the present work. Wherever Yerasimos' work is referred to, unless specifically written otherwise, the reference is to his review article in *Turcica*.

Chapter 1, pp. 6-10, cf. Yerasimos, pp. 341-342: Yerasimos disregards the issue of the proliferation of the Jewish population in Byzantine Constantinople, that may be inferred from the various descriptions of the siege and conquest of Constantinople. Despite these descriptions, he totally refutes the existence of a Jewish settlement in the Vlanga neighborhood at that time. While questioning Buondelmonete's siting of the "Jewish Gate" on his map, he ignores the doubts I myself cast on this map. Furthermore, he fails to refer to the *Map* I appended to the book in which the "Gate" is situated in the correct place. Yerasimos fails to solve the question of what Nicolo Barbaro meant, in his description of the Ottoman sailors' plan to plunder the Giudecca, by asserting that the Ottoman fleet disembarked outside the harbor, beyond the boom created by the Byzantines. This may well have been at Vlanga, and not in front of the Porta Iudea (see *Map*). See also Akyalçın, pp. 2-6.

Chapter 2, pp. 20-21, cf. Akyalçın, p. 2: According to the Jewish sources, usually only houses were considered private property. Land belonged either to the Sultan, or to a *vakıf*. Purchase and sale transactions normally applied only to houses, not land. For further substantiation, see M. Rozen, "The Trust of Lady Khrisula of Istanbul: Urban Reality and Dynastic Continuity," *The Turkish Studies Association Journal*, 28.1-2 (2004): 29-79.

Chapter 3, p. 45, cf. Akyalçın, p. 1: Akyalçın states that *most* of the Jewish deportees to Istanbul were Romaniots and Karaites. The Jewish sources, however, do not allude to any other Jewish group being deported to the city at that stage. The Romaniots and Karaites were the only deportees.

Chapter 4, pp. 50-54, cf. Yerasimos, pp. 342-343: As the bibliography indicates, I consulted all the *defters* from the *Maliyeden Mudevver*. Information from *defters* referred to by other scholars was appropriately accredited. Yerasimos' long explanation (published elsewhere) regarding the inflated number of Jews (8070 households) cited by Ö.L. Barkan and corroborated by Halil İnalcık for the year 1535 is redundant in view of my own statement on page 52 casting doubt on the validity of my whole discussion, precisely because the source of this number is nowhere to be found. The Ottoman sources, however, are not the only ones. The Hebrew sources of this period place the number of Jews in Istanbul for the years 1500-1520 at 18,000. Yerasimos' estimation that there were 3-3.5 members per household is very low in view of the data from the Hebrew sources. Although, as a rule, the same demographic factors applied to all ethnic groups in Ottoman Istanbul, two factors were specific to the Jews. The first was that the members of the Judeo-Spanish diaspora were under immense pressure to repair the demographic losses created by the Expulsion. The fact that they themselves regarded their efforts in this respect as inadequate does not invalidate the view that their natural growth was higher than other ethnic groups, at least in the first generation after the Expulsion, as has been the case in other post-catastrophic societies. All the same, there is no way of substantiating the mean size of their families. The second, and more important, factor is that Istanbul served as a way station for thousands of refugees en route for other destinations in the Ottoman Empire, especially Asia Minor and Arabistan, as documented in the refugees'

itineraries (contrary to Avigdor Levi's opinion in *The Sephardim in the Ottoman Empire*, [Princeton NJ: The Darwin Press, 1992], p. 4, and corroborated by Akyalçın, p .4). Thus, in the years following the Expulsion from Spain and the large-scale emigration from Portugal (1492-1540), the actual number of Jews in Istanbul was far higher than the figures brought by the Ottoman sources. Consequently, Yerasimos' estimation that there were only 4,000 Jews in Istanbul in 1535 is a gross underestimation. Indeed, in the sixteenth century these were the years in which the Jewish population of Istanbul was probably the highest (cf. Rozen, *Chapter 4*, p. 51, note 14). Akyalçın (pp. 14-15) agrees with Yerasimos concerning the number of Jews in Istanbul, adding that only 900 families from Spain and Portugal settled in the capital following the Expulsion. Although she cites higher estimates by scholars who referred to sources other than the Ottoman ones, she makes no attempt to resolve the discrepancy between them. She raises the interesting question (pp. 57-58) of how the overall number of Istanbul Jews did not decline toward the end of the sixteenth century, while the number of Romaniot Jews did. She solves this conundrum by stating that the Sephardi immigration offset the decline in local Jews. However, this is not by any means the whole picture. The Sephardim outnumbered the Romaniots in the 1688 survey only (Rozen, *Chapter 4*, p. 51).

It was not only the result of the Judeo-Spanish immigration, but also of the assimilation of the Romaniot Jews. This assimilation was a consequence of the disintegration of old neighborhoods due to recurring fires, the Romaniots' higher cultural level, Judeo-Spanish culture simply superseded Romaniot culture and with the passage of time, this tendency became even more marked. Mixed marriages between the Romaniots and Spanish Jews, were not a major factor, since until the end of the seventeenth century these were not frequent (see my new article "Jews in Constantinople [Modern period])", Chart 1: Inter-ethnic Marriages among the Jews of Istanbul, p. 30, published in the *Encyclopedia of Hellenism* [Athens: The Foundation of the Hellenic World] Εγκυκλοπαίδεια Μείζονος Ελληνισμού, Κωνσταντινούπολη URL: <http://www.ehw.gr/l.aspx?id=10832>). Last but not least, I believe that the high percentage of endogamous marriages among the Romaniots was a major factor in their demographic deterioration. Whereas the Sephardim intermarried with Jews from Sicily, southern Italy, southern France, and Ashkenazi Jews, until end of the seventeenth century, the Romaniots married almost

only among themselves, probably because of their *sürgün* status that affected anyone who intermarried with them. The great fires eliminated the administrative difference between the *sürgün* and *kendi gelen* as far as their legal status was concerned, as attested by the Ottoman survey of 1691 conducted already only according to neighborhoods shows (TCBA Maliyeden Mudevver 3661).

Chapter 4, p. 53, ref. 6: Neither Akyalçın, nor Yerasimos refer to the fact that the last names were erased in the 1603 and 1623 registers, casting serious doubt on the reality they reflected.

Chapter 5, pp. 55-56, cf. Yerasimos, p. 344: Yerasimos argues that the fact per se that the *vakıf* registers of Mehmet II do not refer to landed property belonging to the Jews of Galata does not imply that there were no Jews in Galata until the second half of the sixteenth century. The Jewish sources ascertain that there were no Jews in Galata until around 1550, when a few Jews settled there (cf. *Chapter 5*, p. 60). See also Minna Rozen and Benjamin Arbel, "Great Fire in the Metropolis: The Case of the Istanbul Conflagration of 1569 and its Description by Marcantonio Barbaro," in *Mamluk and Ottoman Societies: Studies in Honour of Michael Winter*, edited by David Wasserstein and Ami Ayalon (New York: Routledge, 2005) p.157.

Chapter 5, p. 57, cf. Yerasimos, pp. 344-345: Yerasimos disagrees with my identification of the fire cited in Selaniki Mustafa Efendi's *History* as the 1569 fire, and claims it was the 1588 one. However, a careful reading of Selaniki shows that his *History* was based on papers and notes he amassed during his bureaucratic career, some of which were carelessly organized, and some of which ascribed details of one event to another, as was the case here (cf. Minna Rozen and Benjamin Arbel, "Great Fire in the Metropolis: The Case of the Istanbul Conflagration of 1569 and its Description by Marcantonio Barbaro" in *Mamluk and Ottoman Societies: Studies in Honour of Michael Winter*, edited by David Wasserstein and Ami Ayalon (New York: Routledge, 2005) pp. 138-139. Moreover, Yerasimos' dating of the fire – which I allegedly confused with the 1569 fire – to 19 April 1588 is erroneous. The fire actually erupted on Friday 7 April, 1589 (21,cumâdaelûlâ sene 997).

Chapter 5, pp. 55-61: For a detailed description of the Jewish settlement in the city based on the Ottoman registers, see Akyalçın, pp. 70-71.

Chapter 6, pp. 62-63, cf. Akyalçın, p. 2: Akyalçın's query as to what the Ottomans meant by "a Jewish quarter" is explained here. See, also, Rozen, p. 130, ref.121, and ibid, *Chapter 9*, pp. 214-15, as well as the document on p. 321.

Chapter 6, pp. 64-65: For the list of Romaniot congregations in 1540 and 1544, see S. Yerasimos, "La fondation d'Istanbul ottomane," in *Seven Centuries of Ottoman Architecture*, edited by N. Akın, A. Batur, and S. Batur (Istanbul: Yapı Endüstri Merkezi Yayınları, 2001), p. 207 (based on the Tapu ve Tahrir registers, # 210 and 240). On the sequence of their transfer to Istanbul, see Yerasimos, op. cit., p. 212.

Chapter 10: For information on the status of Jewish ownership of real estate, and on the occupational breakdown of the Jewish community according to the Ottoman sources, surprisingly drab, see Akyalçın, pp. 64-81.

Map: A larger version can be downloaded from the Brill website see: http://www.brill.nl/default.aspx?partid=18&pid=41403

Corrigenda

1. P. 61, ref. 27, line 6: the words "(doc. 12 below)" should be erased.
2. Pp. 1-5, 14, and 378: The name of the Greek chronicler Kritovoulos the Islander was misspelled throughout the book (but miraculously not in the index...) as Kristovolous, and should be amended accordingly.
3. P. 280 paragraph 2 line 2, instead of "bitten" should be "beaten".

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